FEDERAL REGISTER

Vol. 87 Wednesday

No. 36 February 23, 2022

Pages 10057–10296

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 87 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:	
Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Contents

Federal Register

Vol. 87, No. 36

Wednesday, February 23, 2022

Agriculture Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10167–10171

Army Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10178

Centers for Disease Control and Prevention
NOTICES
Draft Infection Control in Healthcare Personnel:
Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients: Rabies Section, 10217–10218

Civil Rights Commission
NOTICES
Meetings:
South Dakota Advisory Committe, 10171

Commerce Department
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants, 10175–10176

Council on Environmental Quality
NOTICES
Climate and Economic Justice Screening Tool Beta Version, 10176–10178

Defense Department
See Army Department
See Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10178–10181
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements, 10215–10216
Federal Acquisition Regulation Part 23 Requirements, 10214–10215

Education Department
See National Assessment Governing Board
NOTICES
Applications for New Awards:
Language Resource Centers Program, 10184–10189

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Benefit Accuracy Measurement Program, 10244–10246
Unemployment Compensation for Ex-servicemembers, Handbook No. 384, 10247–10248
Change in Status of the Extended Benefit Program:
New Mexico, 10248
Labor Certification Process for the Temporary Employment of H–2A and H–2B Foreign Workers in the United States:
Annual Update to Allowable Monetary Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging, 10246–10247
Requests for Nominations:
Workforce Information Advisory Council, 10243–10244

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Application to Export Electric Energy:
Evolugen Trading and Marketing LP, 10189

Environmental Protection Agency
PROPOSED RULES
Review of Standards of Performance for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review, 10134–10158
NOTICES
Guidance:
Proposed 2022 Clean Water Act Financial Capability Assessment, 10193–10196
Pesticide Registration Maintenance Fee:
Product Cancellation Order for Certain Pesticide Registrations, 10200–10212
Privacy Act; Systems of Records, 10197–10200
Proposed Consent Decree:
Clean Air Act Citizen Suit, 10196–10197

Equal Employment Opportunity Commission
RULES
Civil Monetary Penalty Inflation Adjustment, 10072–10073

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Skaneateles, NY, 10067–10068
Airworthiness Directives:
Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) Helicopters, 10057–10060
Airbus SAS Airplanes, 10064–10067
The Boeing Company Airplanes, 10060–10064
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures, 10069–10072
PROPOSED RULES
Airworthiness Directives:
Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters, 10107–10110
De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes, 10112–10115

Sikorsky Aircraft Corporation Helicopters, 10115–10119
The Boeing Company Airplanes, 10110–10112
NOTICES
Consensus Standards:
Light-Sport Aircraft, 10275–10276

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10212–10213
Radio Broadcasting Services:
AM or FM Proposals to Change the Community of License, 10213–10214

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 10190–10193
Records Governing Off-the-Record Communications, 10191–10192

Federal Maritime Commission
NOTICES
Meetings; Sunshine Act, 10214

Federal Motor Carrier Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Financial Responsibility Motor Carriers, Freight Forwarders, and Brokers, 10276–10277
National Consumer Complaint Database, 10277–10279

Fish and Wildlife Service
RULES
Endangered and Threatened Species:
Convention on International Trade in Endangered Species of Wild Fauna and Flora, 10073–10080
NOTICES
Permits; Applications, Issuances, etc.:
Endangered and Threatened Species, 10228–10231

Food and Drug Administration
PROPOSED RULES
Medical Devices:
Quality System Regulation, 10119–10134

Foreign Assets Control Office
NOTICES
Sanctions Actions, 10280

General Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements, 10215–10216
Federal Acquisition Regulation Part 23 Requirements, 10214–10215

Geological Survey
NOTICES
Reconciliation of Derogatory Geographic Names, 10232–10233
Reconciliation of Derogatory Geographic Names Tribal Consultation, 10232

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Indian Health Service
See National Institutes of Health

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

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reindeer in Alaska, 10233–10234

Indian Health Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions, 10218–10219

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Reclamation Bureau

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
African Growth and Opportunity Act; Program Usage, Trends, and Sectoral Highlights, 10239–10241
Urea Ammonium Nitrate Solutions from Russia and Trinidad and Tobago, 10241–10242

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Cognitive, Pilot and Field Studies for Bureau of Justice Statistics, 10242–10243

Labor Department
See Employment and Training Administration
See Mine Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Acquisition and Sale of Trust Real Estate Investment Trust Shares by Individual Account Plans Sponsored by Trust Real Estate Investment Trusts, 10252
Bank Collective Investment Funds; Prohibited Transaction Class Exemption, 10252–10253
Collective Investment Funds Conversion Transactions; Prohibited Transaction Class Exemption, 10253
Cross-Trades of Securities by Index and Model-Driven Funds; Prohibited Transaction Class Exemption, 10250–10251
Definition of Plan Assets—Participant Contributions, 10251
Foreign Currency Transactions; Prohibited Transaction Class Exemption, 10249
Insurance Company Pooled Separate Accounts, 10248–10249
Research Exception Notice, 10250

Land Management Bureau
NOTICES
Public Land Order:
Tie Hack Campground, WY, 10234

Mine Safety and Health Administration
NOTICES
Affirmative Decisions on Petitions for Modification Granted in Whole or in Part, 10256–10257
Petition for Modification of Application of an Existing Mandatory Safety Standard, 10254–10256

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements, 10215–10216
Federal Acquisition Regulation Part 23 Requirements, 10214–10215
Requirement for Recipients of Financial Assistance Awards to Obtain a Quotation from Small and/or Minority Businesses, Women's Business Enterprises and Labor Surplus Area Firms, 10257–10258

National Assessment Governing Board
NOTICES
Meetings, 10183–10184

National Institutes of Health
NOTICES
Meetings:
Advisory Committee on Research on Women's Health, 10221–10222
Center for Scientific Review, 10219–10221
National Institute of Diabetes and Digestive and Kidney Diseases, 10219
National Institute of General Medical Sciences, 10220

National Oceanic and Atmospheric Administration
NOTICES
Endangered and Threatened Species:
Take of Anadromous Fish, 10174–10175
Meetings:
Caribbean Fishery Management Council, 10173–10174
Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review, 10171–10172
Fisheries of the South Atlantic; Southeast Data, Assessment, and Review, 10172–10173
Pacific Bluefin Tuna United States Stakeholder Meeting, 10175

National Park Service
NOTICES
Intent to Repatriate Cultural Items:
The Trustees of Reservations, Boston, MA, 10237–10238
Inventory Completion:
Indiana University, Bloomington, IN, 10236–10237
University of California, Davis, Davis, CA, 10234–10236

Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10181–10183

Nuclear Regulatory Commission
PROPOSED RULES
Fee Schedules:
Fee Recovery for Fiscal Year 2022, 10081–10107
NOTICES
Draft Regulatory Guide:
Design-Basis Floods for Nuclear Power Plants, 10260–10261
License Renewal Application:
Idaho State University, 10259–10260
Meetings; Sunshine Act, 10258–10259

Pipeline and Hazardous Materials Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Gas and Liquid Pipeline Safety Program Performance Progress Report, 10279–10280

Presidential Documents
EXECUTIVE ORDERS
Ukraine; Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to Continued Russian Efforts To Undermine Its Sovereignty and Territorial Integrity (EO 14065), 10291–10296
ADMINISTRATIVE ORDERS
Coronavirus Disease 2019 (COVID–19) Pandemic; Continuation of National Emergency (Notice of February 18, 2022), 10287–10289

Reclamation Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Recreation Use Data Reports, 10238

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 10261–10262
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Exchange, LLC, 10268–10274
The Nasdaq Stock Market, LLC, 10265–10268
The Options Clearing Corp., 10262–10265

Selective Service System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 10274–10275

Small Business Administration
NOTICES
Disaster Declaration:
Hawaii; Public Assistance Only, 10275

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Foreign Assets Control Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Prohibition on Funding of Unlawful Internet Gambling, 10280–10281

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Foreign-Trade Zone Admission and/or Status Designation and Application for Foreign-Trade Zone Activity Permit, 10226–10227
Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/Departure, Electronic System for Travel Authorization, 10223–10224
Electronic Visa Update System, 10225–10226
Petition for Remission or Mitigation of Forfeitures and Penalties Incurred, 10222
Stakeholder Scheduling Application, 10224–10225
Trusted Traveler Programs and U.S. APEC Business Travel Card, 10227–10228

Veterans Affairs Department
PROPOSED RULES
Acquisition Regulation:
Acquisition Regulation System and Research and Development, 10158–10166
NOTICES
Privacy Act; Systems of Records, 10283–10286
Request for Information:
Veterans Outdoor Recreation, 10281–10283

Separate Parts In This Issue

Part II
Presidential Documents, 10287–10289

Part III
Presidential Documents, 10291–10296

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.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

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.

3 CFR

Executive Orders:
14065 10293

Administrative Orders:
Notices:
Notice of February 18, 2022 10289

10 CFR

Proposed Rules:
170 10081
171 10081

14 CFR
39 (3 documents) 10057, 10060, 10064
71 10067
97 (2 documents) 10069, 10070

Proposed Rules:
39 (4 documents) 10107, 10110, 10112, 10115

21 CFR

Proposed Rules:
4 10119
820 10119

29 CFR
1601 10072

40 CFR

Proposed Rules:
60 10134
63 10134

48 CFR

Proposed Rules:
801 10158
802 10158
808 10158
816 10158
835 10158
852 10158

50 CFR
23 10073

Rules and Regulations

Federal Register
Vol. 87, No. 36
Wednesday, February 23, 2022

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1166; Project Identifier MCAI–2021–00952–R; Amendment 39–21953; AD 2022–05–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–11–25, which applied to certain Airbus Helicopters (type certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters. AD 2021–11–25 required revising the existing rotorcraft flight manual (RFM) for your helicopter by inserting a new procedure (temporary). Since the FAA issued AD 2021–11–25, the manufacturer identified an additional affected full authority digital engine control (FADEC) part number and developed an optional modification for the affected FADECs. This AD requires revising the existing RFM for your helicopter by inserting a new procedure (temporary). This AD also requires, for helicopter on which an optional terminating action (installation of serviceable FADECs) was done, removing the applicable temporary procedure from the existing RFM for your helicopter. In addition, this AD also adds helicopters to the applicability. Furthermore, this AD prohibits the installation of an affected FADEC. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 29, 2021 (86 FR 33097, June 24, 2021).

ADDRESSES: For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* For Safran Turbomeca service information identified in this NPRM contact Safran Helicopter Engines, S.A., 64511 Bordes, France; phone: +33 (0) 5 59 74 45 11. You may view this service information 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. Service information that is incorporated by reference is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1166.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1166; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2021–11–25, Amendment 39–21587 (86 FR 33097, June 24, 2021), (AD 2021–11–25). AD 2021–11–25 applied to Airbus Helicopters (type certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters with an ARRIEL 2D engine and THALES FADEC part number (P/N) C13165DA00 without amendment A or THALES FADEC P/N C13165FA00 without amendment B, installed. The NPRM published in the **Federal Register** on December 28, 2021 (86 FR 73703). In the NPRM, the FAA proposed to require revising the existing RFM for your helicopter by inserting a new procedure (temporary). The NPRM also proposed to require, for helicopters on which an optional terminating action (installation of serviceable FADECs) is done, removing the applicable temporary procedure from the existing RFM for your helicopter. In addition, the NPRM also proposed to add helicopters to the applicability. Furthermore, the NPRM proposed to prohibit the installation of an affected FADEC.

AD 2021–11–25 was prompted by EASA AD 2013–0287, dated December 5, 2013 (EASA AD 2013–0287), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter (formerly Eurocopter France, Aerospatiale) Model AS 350 B3 and EC 130 T2 helicopters with an ARRIEL 2D engine and THALES FADEC P/N C13165DA00 or P/N C13165FA00 installed. EASA advised that there was a report of an in-flight event where the pilot noticed that the temporary amber governor (GOV) light had illuminated, followed by the failure of the vehicle engine monitoring display (VEMD) screens, and no availability of the automatic or auxiliary engine back-up control ancillary unit (EBCAU). Subsequent investigation identified an internal failure of the engine digital electronic control unit (DECU), which led to loss of fuel flow regulation (frozen fuel metering unit). This failure was not indicated to the pilot by a red GOV warning light as expected, but with amber GOV indication and loss of VEMD display instead. EASA also advised that if this fuel metering unit is frozen in the open position, it may lead to a rotor overspeed, and if it is frozen in the closed position, it may lead to unavailability of engine power. EASA stated that this condition, if not addressed, could result in the pilot

identifying the type of failure condition incorrectly, possibly resulting in an improper response.

Since the FAA issued AD 2021–11–25, EASA issued AD 2021–0195, dated August 20, 2021 (EASA AD 2021–0195), which supersedes EASA AD 2013–0287. EASA advises that after EASA AD 2013–0287 was issued, Airbus Helicopters revised Alert Service Bulletin No. AS350–01.00.67, Revision 2, dated February 17, 2014; and Alert Service Bulletin No. EC130–04A004, Revision 2, dated February 17, 2014; to include an additional affected part number as part of the same rectification campaign. Additionally, EASA advises that in parallel, SAFRAN (formerly Turboméca) developed a modification of the affected part, which mitigates the risk of rotor speed fluctuations, loss of power or uncommanded in-flight shutdown, and issued Service Bulletin 292 73 2852 providing FADEC replacement instructions. Consequently, Airbus Helicopters issued the applicable ASBs, providing instructions to remove the temporary procedure from the RFM Emergency Procedures section for helicopters with a modified FADEC. Accordingly, EASA AD 2021–0195 retains the requirements of EASA AD 2013–0287 and requires removing the temporary revision from the Emergency Procedures section of the RFM for helicopters with a modified FADEC installed. EASA AD 2021–0195 also prohibits the installation of an affected part after installation of a modified FADEC. Furthermore, EASA AD 2021–0195 specifies to ''inform all flight crews'' of revisions to the RFM, and thereafter to ''operate the helicopter accordingly.''

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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 reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. AS350–01.00.67, Revision 2, dated February 17, 2014; and Alert Service Bulletin No. EC130–04A004, Revision 2, dated February 17, 2014; which the Director of the Federal Register approved for incorporation by reference as of July 29, 2021.

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

Other Related Service Information

The FAA also reviewed Safran Turbomeca Mandatory Service Bulletin No. 292 73 2852, Revision C, dated June 6, 2016. This service information specifies replacing certain FADEC D EECUs with certain amended FADEC D EECUs.

Differences Between This AD and the EASA AD

EASA AD 2021–0195 requires operators to ''inform all flight crews'' of revisions to the RFM, and thereafter to ''operate the helicopter accordingly.'' However, this AD does not specifically require those actions.

FAA regulations mandate compliance with only the operating limitations section of the flight manual. The flight manual changes required by this AD apply to the emergency procedures section of the existing RFM for your helicopter. Furthermore, compliance with such requirements in an AD is impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the aircraft in such a manner is unenforceable. Nonetheless, the FAA recommends that flight crews of the helicopters listed in the applicability operate in accordance with the revised emergency procedures specified in this AD.

Costs of Compliance

The FAA estimates that this AD affects up to 628 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 AD.

Revising the existing RFM for your helicopter takes about 0.25 work-hour for an estimated cost of $21 per helicopter and up to $13,188 for the U.S. fleet. Accomplishing the optional terminating action, if done, takes about 1 work-hour, with a parts costs of $5,000, for an estimated cost of $5,085 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2021–11–25, Amendment 39–21587 (86 FR 33097, June 24, 2021); and
■ b. Adding the following new airworthiness directive:

2022–05–02 Airbus Helicopters (Type Certificate Previously Held by Eurocopter France): Amendment 39–21953; Docket No. FAA–2021–1166; Project Identifier MCAI–2021–00952–R.

(a) Effective Date

This airworthiness directive (AD) is effective March 30, 2022.

(b) Affected ADs

This AD replaces AD 2021–11–25, Amendment 39–21587 (86 FR 33097, June 24, 2021) (AD 2021–11–25).

(c) Applicability

This AD applies to Airbus Helicopters (type certificate previously held by Eurocopter France) Model AS350B3 and EC130T2 helicopters, certificated in any category, with an ARRIEL 2D engine and with THALES full authority digital engine control (FADEC) part number (P/N) C13165DA00 without amendment A, P/N C13165DA00PC00 without amendment A, or P/N C13165FA00 without amendment B, that has a serial number below 1736, installed.

Note 1 to paragraph (c): Helicopters with a Model AS350B3e designation are Model AS350B3 helicopters.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 7321, Engine Fuel Control/Turbine Engines.

(e) Unsafe Condition

This AD was prompted by a report of failure of an engine digital electronic control unit. The FAA is issuing this AD to prevent incorrect indicator illumination, display failure, and loss of fuel flow regulation (frozen fuel metering unit). The unsafe condition, if not addressed, could result in misleading information to the pilot, rotor overspeed or unavailability of engine power, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Retained Revision to the Existing Rotorcraft Flight Manual (RFM) for Your Helicopter and Optional Terminating Action for Certain Helicopters With New Optional Terminating Action

For helicopters with FADEC P/N C13165DA00 without amendment A or P/N C13165FA00 without amendment B installed:

(1) Within 25 hours time-in-service after July 29, 2021 (the effective date of AD 2021–11–25), revise the Emergency Procedures of the existing RFM for your helicopter by inserting Appendix 4. of Airbus Helicopters Alert Service Bulletin (ASB) No. AS350–01.00.67 or ASB No. EC130–04A004, each Revision 2 and dated February 17, 2014 (ASB AS350–01.00.67 or ASB EC130–04A004), as applicable to your helicopter model. Inserting a different document with information identical to that in Appendix 4. of ASB AS350–01.00.67 or ASB EC130–04A004, as applicable to your helicopter model, is acceptable for compliance with the requirement of this paragraph.

(2) As an optional terminating action for the requirement of paragraph (g)(1) of this AD, install amendment A on FADEC P/N C13165DA00 or amendment B on FADEC P/N C13165FA00.

(3) As an optional terminating action for the requirement of paragraph (g)(1) of this AD, install a FADEC unit having P/N C13165DA00 with amendment A, P/N C13165DA00PC00 with amendment A, or ;P/N C13165FA00 with amendment B; or install a FADEC unit other than a FADEC unit having P/N C13165DA00, P/N C13165DA00PC00, or P/N C13165FA00, that has a serial number below 1736.

(h) New Requirement: Revision to the Existing RFM for Your Helicopter and Optional Terminating Action for Certain Other Helicopters

For helicopters that have FADEC P/N C13165DA00PC00 without amendment A installed:

(1) Within 25 hours time-in-service after the effective date of this AD, revise the existing RFM for your helicopter by inserting Appendix 4. of ASB AS350–01.00.67 or ASB EC130–04A004, as applicable to your helicopter model. Inserting a different document with information identical to that in Appendix 4. of ASB AS350–01.00.67 or ASB EC130–04A004, as applicable to your helicopter model, is acceptable for compliance with the requirement of this paragraph.

(2) As an optional terminating action for the requirement of paragraph (h)(1) of this AD, install amendment A on FADEC P/N C13165DA00PC00.

(3) As an optional terminating action for the requirement of paragraph (h)(1) of this AD, install a FADEC unit having P/N C13165DA00 with amendment A, P/N C13165DA00PC00 with amendment A, or ;P/N C13165FA00 with amendment B; or install a FADEC unit other than a FADEC unit having P/N C13165DA00, P/N C13165DA00PC00, or P/N C13165FA00, that has a serial number below 1736.

(i) New Requirement: Removal of Temporary Revision From the Existing RFM for Your Helicopter

(1) For helicopters that accomplish the optional terminating action specified in paragraph (g)(2) or (3) of this AD: Concurrently with the installation, before further flight, remove the temporary revision to the existing RFM for your helicopter that was inserted in accordance with the requirement of paragraph (g)(1) of this AD.

(2) For helicopters that accomplish the optional terminating action specified in paragraph (h)(2) or (3) of this AD: Concurrently with the installation, before further flight, remove the temporary revision to the existing RFM for your helicopter that was inserted in accordance with the requirement of paragraph (h)(1) of this AD.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any helicopter a FADEC identified in paragraph (c) of this AD (affected FADEC part).

Note 2 to paragraph (j): Removal of an affected FADEC part from a helicopter and reinstallation of that same affected FADEC part on the same helicopter during the same maintenance visit is not considered ''install'' as specified in paragraph (j) of this AD.

(k) Special Flight Permits

Special flight permits may be issued to operate the helicopter to a location where the actions specified in this AD can be performed, provided no passengers are onboard.

(l) Alternative Methods of Compliance (AMOCs)

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

(m) Related Information

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

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2021–0195, dated August 20, 2021. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–1166.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on July 29, 2021 (86 FR 33097, June 24, 2021).

(i) Airbus Helicopters Alert Service Bulletin No. AS350–01.00.67, Revision 2, dated February 17, 2014.

(ii) Airbus Helicopters Alert Service Bulletin No. EC130–04A004, Revision 2, dated February 17, 2014.

(4) For Airbus Helicopters service information identified in this AD, contact

Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(5) You may view this service information 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.

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

Issued on February 16, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03761 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0457; Project Identifier AD–2020–01461–T; Amendment 39–21911; AD 2022–02–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. This AD was prompted by a report that during a fleet sampling inspection, cracks were found on the inner cylinder pivot pins of the left and right main landing gear (MLG) on one of the airplanes. This AD requires repetitive lubrications of the left and right MLG truck beams and inner cylinder pivot joints; a review of the maintenance program documentation to verify that certain lubrication tasks are incorporated; repetitive inspections of the MLG inner cylinder pivot pins and inner cylinder bushings of the MLG truck beams and inner cylinder joints to detect friction, heat damage, excessive wear, cracking, and smearing of bushing material; and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 30, 2022.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0457.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0457; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Senior Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3528; email: *allen.rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM published in the **Federal Register** on June 30, 2021 (86 FR 34656). The NPRM was prompted by a report that during a fleet sampling inspection, cracks were found on the inner cylinder pivot pins of the left and right MLG on one of the airplanes. In the NPRM, the FAA proposed to require repetitive lubrications of the left and right MLG truck beams and inner cylinder pivot joints; a review of the maintenance program documentation to verify that certain lubrication tasks are incorporated; repetitive inspections of the MLG inner cylinder pivot pins and inner cylinder bushings of the MLG truck beams and inner cylinder joints to detect friction, heat damage, excessive wear, cracking, and smearing of bushing material; and applicable on-condition actions. The FAA is issuing this AD to address any heat damage and cracking to the MLG inner cylinder pivot pin, which could result in a fractured pivot pin and lead to loss of all or part of the pivot pin assembly, and subsequent collapse of the MLG and reduced controllability of the airplane during takeoff and landing.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from The Air Line Pilots Association, International (ALPA) and Boeing. ALPA and Boeing supported the NPRM without change.

The FAA received additional comments from four commenters, including American Airlines (AAL), Japan Airlines (JAL), United Airlines (UAL), and Virgin Atlantic Airways (VAA). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Exclude Certain Airplanes From the Proposed AD

UAL requested that the FAA revise the applicability of the proposed AD to exclude Model 787–9 and 787–10 airplanes on which the left and right MLG truck beams and inner cylinder pivot joints have been repetitively lubricated with MIL–PRF–32014 grease from the date of airplane delivery. UAL stated that the compliance actions specified in Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, do not give any consideration to operators who have met the requirements of CMR item number 32–CMR–01 of Section G, ''Certification Maintenance Requirement Task,'' of Boeing 787 Certification Maintenance Requirements (CMRs), D011Z009–03–03, dated June 2020 (specified in paragraph (i) of the proposed AD for the optional maintenance/inspection program revision), since airplane delivery, as specified in Table 1 in the Work Instructions of the service bulletin. UAL also commented that Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, provides an option to terminate the repetitive inspections if copper-nickel-tin inner cylinder bushings are installed, and current or prior accomplishment of the increased lubrication interval with MIL–PRF–

32014 grease has been done (not to exceed the time specified in Table 5 of the Compliance Section), but the service bulletin makes no such provision for the initial inspection.

The FAA disagrees with excluding Boeing Model 787–9 and 787–10 airplanes that have been lubricated with MIL–PRF–32014 grease since the date of airplane delivery from the applicability in this final rule. Because the unsafe condition was discovered during a fleet sampling inspection, the initial inspection is intended to ensure that the entire fleet has no friction or heat damage that leads to the unsafe condition. Therefore, regardless of previous lubrication or inspection, this AD requires the entire fleet to undergo an initial inspection. If additional findings are discovered in the fleet, the need for an adjustment to the lubrication intervals or inspection requirements will be re-evaluated, and the FAA might consider additional rulemaking at that time. The FAA has not changed this AD in this regard.

Requests To Revise Certain Compliance Times

JAL requested that the FAA revise a certain compliance time in the proposed AD. JAL stated that its fleet is affected by the compliance times specified for the airplanes in Group 1, Configurations 1 and 2, and Group 2 of Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020. JAL noted that the proposed compliance time for the airplanes in Group 1, Configuration 1, was ''within 24 months after the Issue 001 date of the Requirements Bulletin B787–81205–SB320045–00RB, or within 36 months after the date of issuance of the original standard certificate of airworthiness or the original export certificate of airworthiness, whichever occurs later.'' JAL requested that the compliance time relative to the Issue 001 date of Requirements Bulletin B787–81205–SB320045–00RB be changed from 24 months to 36 months after that issue date. JAL commented that a compliance time of at least 3 years after the effective date of the published AD would be appropriate.

JAL stated that although it is trying to accomplish the actions in the service bulletin during heavy maintenance, for some airplanes it cannot plan to incorporate the actions in the service information at that time. JAL commented that some airplanes have planned heavy maintenance at MRO (maintenance, repair and overhaul) locations outside of Japan and require special tools that are not available at an MRO. Thus, JAL stated, operators may be forced to accomplish the actions in the service information within line maintenance on some of its Model 787 airplanes, which may take 5 days. JAL also commented that it estimates at least 3 years from the effective date of this AD to complete the actions on all of its affected airplanes. JAL stated that the proposed compliance time would cause a burden to daily operations.

Virgin Atlantic Airways (VAA) requested that the FAA revise the compliance time interval to 3 years for all Model 787–9 airplanes with improved copper-nickel-tin bushings installed at the MLG inner cylinder pivot joint location. VAA stated that Boeing has increased confidence of not seeing the friction and heat transfer damage on copper-nickel-tin bushings seen on the inferior aluminum-nickel-bronze bushings installed on the same part on Model 787–8 airplanes.

VAA stated that the 3-year compliance time interval would allow operators with Model 787–9 airplanes installed with the improved bushings to perform the very labor-intensive inspection at a C-check which is the correct environment for this type of inspection (*i.e.,* jacking and to allow for recovery for any potential fall-out findings). VAA commented that it understands that Boeing has major issues on insurance spares and tooling, thus further reinforcing VAA's request to give operators of Model 787–9 airplanes the opportunity to align the service information inspection with a C-check. VAA also commented that it understands that all findings to date have been on Model 787–8 airplanes with the inferior aluminum-nickel-bronze bushings installed. VAA stated that this information is from the 6-year on-wing sampling inspections, early overhauls and the service information inspections to date, and have resulted in nil findings. VAA commented that it believes that operators of Model 787–9 airplanes should not have a restrictive timeline to perform the one-off inspection of the MLG truck beam pivot pin outer diameters and the MLG inner cylinder bushing inner diameters.

The FAA disagrees to revise the compliance time in this AD. The compliance time in this AD were derived from the most current fleet and test data available at the time of service information development. In addition, in developing an appropriate compliance time for this AD, the FAA considered the significant safety issues in collaboration with the manufacturer based on fleet findings, available engineering data, material characteristics, the availability of necessary repair parts, and the practical aspect of accomplishing the required inspection within an interval of time that corresponds to the normal maintenance schedules of most operators to minimize the risk of an incident. However, under the provisions of paragraph (l) of this AD, the FAA will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the extension would provide an acceptable level of safety. The FAA has not changed this final rule in this regard.

Request To Revise the Reidentification of Parts Requirement

AAL requested that Boeing revise Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, to change the reidentification of parts for the inner cylinder assembly for airplanes in Group 1, Configuration 1. AAL stated that this affects manufacturer part numbers (P/Ns) 512Z2001–1, P/N 512Z2001–2, and P/N 512Z2001–3. AAL commented that the service bulletin states to reidentify the inner cylinder assembly if copper-nickel-tin bushings are installed, and also states that there is no equivalent Boeing part number for the changed part. AAL stated that the statement is not entirely correct and that Boeing created inner cylinder assembly P/N 512Z2001–4 from P/N 512Z2001–3 solely by replacing the inner cylinder lug bushings with copper-nickel-tin bushings. Therefore, AAL stated, P/N 512Z2001–3 should be reidentified as P/N 512Z2001–4 after copper-nickel-tin bushings are installed. AAL commented that inner cylinder assemblies P/N 512Z2001–1 and P/N 512Z2001–2 do not have similar part number changes after installation of copper-nickel-tin bushings.

AAL also stated that it considers this a latent compliance trap as not all existing parts ordering systems have provisions for tracking a service bulletin in isolation of a part number change and that there is no description in the service bulletin to physically differentiate between the aluminum-nickel-bronze and copper-nickel-tin bushings. AAL also stated that Boeing has not made bushing drawing 512Z3002 available to operators to know where the bushing part number labeling is located, and when operators order next-higher assemblies, such as the strut assembly or main landing gear, there is no way to indicate that copper-nickel-tin bushings are installed or if the bushings are no longer physically accessible; for any repair and overhaul work via the component maintenance manuals (CMMs), there are no service

bulletin notations to differentiate configuration differences.

In addition, AAL requested adding a provision in the proposed AD to require an inner cylinder assembly part number change to indicate installation of copper-nickel-tin bushings as an incremental requirement for termination of the repetitive inspection requirements for Group 1 airplanes identified in the service bulletin. AAL stated that CMMs, such as 32–11–74, do not have adequate effectivity controls in place to prevent installation of aluminum-nickel-bronze bushings (subject to the repetitive inspection requirements of the service bulletin) on inner cylinder assemblies (including those that have had repetitive inspection requirements terminated by installation of aluminum-nickel-tin bushings or post-production inner cylinder assemblies originally fitted with aluminum-nickel-tin bushings). AAL commented that this issue was raised with Boeing, and the illustrated parts list in the CMM dated December 30, 2021, was updated.

The FAA does not control service bulletin content, but disagrees that the requested changes are necessary because the specifics of the reidentification of the reworked assemblies are not required for compliance in this AD. This AD requires compliance using Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020; Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, is for guidance only. Each operator uses unique part marking and tracking systems so this AD provides the flexibility to identify reworked assemblies under each operator's internal processes. The ''Parts Modified and Reidentified'' section is contained within Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, only. Any changes to parts of Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, that are not specified in Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, can be discussed with Boeing without affecting compliance with this AD. If there is any conflict between the CMM and this AD regarding the requirements for reinstallation of the aluminum-nickel-bronze bushing, this AD prevails. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020. This service information specifies procedures for repetitive lubrication of the left and right MLG truck beams and inner cylinder pivot joints with MIL–PRF–32014 grease; a review of the maintenance program documentation to verify that it includes lubrication tasks for the left and right MLG truck beams and inner cylinder pivot joints with MIL–PRF–32014 grease; repetitive detailed and fluorescent penetrant (FPI) inspections of the left and right MLG pivot pin outer diameter (OD) surface for friction and heat damage; repetitive detailed inspections of the left and right MLG inner cylinder bushing inner diameter (ID) surfaces for excessive wear, cracking, and smearing of bushing material; and applicable on-condition actions.

On-condition actions include updating the maintenance program to incorporate lubrication tasks for the left and right MLG truck beams and inner cylinder pivot joints with MIL–PRF–32014 grease, doing detailed and FPI inspections on the inner cylinder lug bore for heat and friction damage, installing a new pivot pin, applying lubrication using MIL–PRF–32014 grease and making sure lubrication passages are clear, installing new aluminum-nickel-bronze inner cylinder bushings, installing new copper-nickel-tin inner cylinder bushings, and repairing damage.

The FAA reviewed Boeing 787 Certification Maintenance Requirements (CMRs), D011Z009–03–03, dated June 2020. This service information specifies, among other scheduled maintenance requirements, CMR item number 32–CMR–01 of Section G, ''Certification Maintenance Requirement Tasks,'' for lubricating the main landing gear truck beam pivot joint.

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

Costs of Compliance

The FAA estimates that this AD would affect 131 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive lubrications	1 work-hour × $85 per hour = $85 per lubrication cycle.	$0	$85 per lubrication cycle	$11,135 per lubrication cycle.
Verification of lubrication tasks.	1 work-hour × $85 per hour = $85.	0	$85	$11,135.
Repetitive inspections	40 work-hours × $85 per hour = $3,400 per inspection cycle.	0	$3,400 per inspection cycle	$445,400 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Installation of new pivot pin	8 work-hours × $85 per hour = $680	$97,517 per pivot pin component assembly.	$98,197
Installation of new bushings	1 work-hour × $85 per hour = $85	$5,968 per bushing	6,053
Lubrication and making sure lubrication passages are clear.	1 work-hour × $85 per hour = $85	$0	85
Detailed and FPI inspections on the inner cylinder lug bore.	2 work-hour × $85 per hour = $170	$0	170
Update lubrication tasks (except for CMR item number 32–CMR–01 incorporation).	1 work-hour × $85 per hour = $85	$0	85

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs specified in this AD.

For the optional action to revise the existing maintenance or inspection program by incorporating CMR item number 32–CMR–01, the FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the FAA has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the FAA estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–02–14 The Boeing Company: Amendment 39–21911; Docket No. FAA–2021–0457; Project Identifier AD–2020–01461–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 30, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020.

(d) Subject

Air Transport Association (ATA) of America Code 32, Main landing gear.

(e) Unsafe Condition

This AD was prompted by a report that during a fleet sampling inspection, cracks were found on the inner cylinder pivot pins of the left and right main landing gear (MLG) on one of the airplanes. The FAA is issuing this AD to address any heat damage and cracking to the MLG inner cylinder pivot pin, which could result in a fractured pivot pin and lead to loss of all or part of the pivot pin assembly, and subsequent collapse of the MLG and reduced controllability of the airplane during takeoff and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020. Actions identified as terminating action in Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB320045–00, Issue 001, dated November 9, 2020, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, uses the phrase ''the Issue 001 date of Requirements Bulletin B787–81205–SB320045–00 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

(3) Where the action for ''CONDITION 2'' in Table 7 of the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020, specifies ''Do a detailed FPI inspection of the inner cylinder lug bore for heat and friction damage,'' for this AD, the action is ''Do a detailed and FPI inspection on the inner cylinder lug bore for heat and friction damage.''

(i) Optional Terminating Action

Revising the existing maintenance or inspection program, as applicable, to incorporate the information in CMR item number 32–CMR–01 of Section G, ''Certification Maintenance Requirement Tasks,'' of Boeing 787 Certification Maintenance Requirements (CMRs), D011Z009–03–03, dated June 2020, terminates the repetitive lubrications required by paragraph (g) of this AD.

(j) No Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) and intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l) of this AD.

(k) Parts Installation Prohibition

At the applicable time specified in paragraph (k)(1) or (2) of this AD, do not install an aluminum-nickel-bronze inner cylinder bushing on a MLG inner cylinder on any airplane.

(1) For airplanes with aluminum-nickel-bronze inner cylinder bushings installed on a MLG inner cylinder as of the effective date of this AD: After the bushing has been replaced with a copper-nickel-tin inner cylinder bushing.

(2) For airplanes with copper-nickel-tin inner cylinder bushings installed on a MLG inner cylinder as of the effective date of this AD: As of the effective date of this AD.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards 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 by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(m) Related Information

For more information about this AD, contact Allen Rauschendorfer, Senior Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3528; email: *allen.rauschendorfer@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB320045–00 RB, Issue 001, dated November 9, 2020.

(ii) Boeing 787 Certification Maintenance Requirements (CMRs), D011Z009–03–03, dated June 2020.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on January 13, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03772 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0682; Project Identifier MCAI–2021–00474–T; Amendment 39–21944; AD 2022–04–03]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; and Model A320 and A321 series airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 30, 2022.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0682.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0682; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, ;M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0108, dated April 20, 2021 (EASA AD 2021–0108) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after December 9, 2020 must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

EASA AD 2021–0108 specifies that it requires a task (limitation) already required by EASA AD 2020–0067 (which corresponds to FAA AD 2020–22–16, Amendment 39–21312 (85 FR 70439, November 5, 2020) (AD 2020–22–16)) and invalidates (terminates) prior instructions for that task. This AD terminates the limitations of Task 262300–00001–1–C, as required by paragraph (i) of AD 2020–22–16, for airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 17, 2020 only.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes; and Model A320 and A321 series airplanes. The NPRM published in the **Federal Register** on August 19, 2021 (86 FR 46626). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021–0108.

The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Delta Airlines (DAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Review the Code of Federal Regulations (CFRs)

DAL requested that the FAA review the CFRs to possibly revise it in order to make the airworthiness limitations section (ALS) and airworthiness limitations (AWL) incorporations simpler (no ADs) for commercial airplanes. DAL commented that the FAA and operators would not have to produce as much paperwork for ADs and alternative methods of compliance (AMOCs). DAL also commented that revising the CFR that would mandate operators to incorporate the latest approved revision or variation in a certain number of months after the revision or variation is published regardless of taking on new airplanes.

DAL stated that the initial compliance time for doing the tasks specified in the ALS or AWL is at the applicable ''thresholds'' of the ALS, or within a certain number of months after the revision or variation is published, whichever occurs later (similar to the typical language used in ALS ADs and paragraph (h)(4) of this proposed AD). DAL also stated that this would reduce the amount of confusion for operators to determine if an AMOC is needed, simplify and standardize the incorporation of AWLs, and allow operators to address these safety concerns faster (this ALS variation was published more than nine months ago). DAL commented that AD 2021–16–01 was published one week after this proposed AD and most operators would have preferred to see these ADs combined into one in order to reduce the number of ALS ADs.

While the FAA understands the commenter's concern, the current CFR requires incorporating the latest ALS included in the type design of the airplane, such as 14 CFR 91.403(c) and 91.409(e). ADs are the only viable method to mitigate risk identified in a product when its type design did not require incorporation of the latest ALS document, as applicable, by mandating subsequent ALS revisions or variations at the applicable thresholds. The FAA's regulatory requirements are promulgated via notice-and-comment rulemaking as required by the Administrative Procedure Act (APA), and the public can petition for rulemaking pursuant to 14 CFR part 11.

Also, the FAA determined that combining the requirements of AD 2021–16–01 with the requirements in this AD would have resulted in the FAA issuing a supplemental NPRM in order to give notice and allow for public comment on the additional requirements. In the interest of safety to address the unsafe condition specified in AD 2021–16–01, the FAA determined AD 2021–16–01 should not be delayed. The FAA has not changed this AD in this regard.

Request for Clarification of Later Approved Revisions

DAL requested clarification of paragraph (i) of the proposed AD, which allows alternative actions and intervals if they are approved in the ''Ref. Publications'' paragraph of EASA AD 2021–0108. DAL asked the following questions.

- Are later approved revisions of Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Variation 7.3, dated December 9, 2020, referring to Variation 7.4 or Variation 7.5 (or Variation 7.3 Revision 02)?
- If the technical content of the tasks is modified at a later approved variation or revision, does paragraph (i) of the

proposed AD give operators approval to incorporate these later approved variations or revisions? Or is the statement regarding ''technical content'' only, giving approval to incorporate a later approved variation or revision if the technical content has not changed?

The FAA agrees to clarify. Operators may not revise their existing maintenance or inspection programs after incorporating Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Variation 7.3, dated December 9, 2020, unless they are incorporating a future variation or revision of the ALS document that includes the tasks identified in the variation specified in EASA AD 2021–0108. The future variation or revision of the variation should incorporate the same technical content as specified in EASA AD 2021–0108. The FAA has not changed this AD in this regard.

Request To Delete the Terminating Action for Certain Requirements

DAL requested that the FAA remove AD 2020–22–16 as an affected AD in paragraph (b) of the proposed AD and as a terminating action in paragraph (j) of the proposed AD. DAL stated that, technically, those paragraphs are not needed because paragraph (k) of AD 2020–22–16 allows alternative actions and intervals if they are approved in the ''Ref. Publications'' paragraph of EASA AD 2020–0067. DAL commented that the ''Ref. Publications'' paragraph of EASA AD 2020–0067 specifies the use of later approved variations or revisions of Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Revision 07, dated October 11, 2019; and Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Revision 07, Issue 2, dated January 17, 2020; as acceptable for compliance with the requirements of EASA AD 2020–0067. DAL commented that Airbus A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Variation 7.3, dated December 9, 2020, is a later approved variation.

The FAA disagrees with removing AD 2020–22–16 as an affected AD and as a terminating action to this AD. Paragraph (j) of this AD is necessary because it allows operators to not have conflicting requirements for Task 262300–00001–1–C from previous versions or revisions of A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR) and its corresponding replacement task in A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 3, Certification Maintenance Requirement (CMR), Variation 7.3, dated December 9, 2020. Allowance for incorporation of future revisions of an ALS document is not mandatory, but an optional requirement under applicable conditions. The FAA has not changed this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0108 describes new or more restrictive airworthiness limitations for certification maintenance requirements. 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.

Costs of Compliance

The FAA estimates that this AD affects 1,728 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–04–03 Airbus SAS: Amendment 39–21944; Docket No. FAA–2021–0682; Project Identifier MCAI–2021–00474–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 30, 2022.

(b) Affected ADs

This AD affects AD 2020–22–16, Amendment 39–21312 (85 FR 70439, November 5, 2020) (AD 2020–22–16).

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before December 9, 2020.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address a safety-significant latent failure (that is not annunciated), which, in combination with one or more other specific failures or events, could result in a hazardous or catastrophic failure condition.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0108, dated April 20, 2021 (EASA AD 2021–0108).

(h) Exceptions to EASA AD 2021–0108

(1) Where EASA AD 2021–0108 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0108 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0108 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0108 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0108, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) of EASA AD 2021–0108 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0108 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0108.

(j) Terminating Action for Certain Requirements in AD 2020–22–16

Accomplishing the actions required by this AD terminates the limitations of Task 262300–00001–1–C, as required by paragraph (i) of AD 2020–22–16, for airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 17, 2020 only.

(k) Additional AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's existing maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0108, dated April 20, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0108, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Issued on February 4, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03730 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0747; Airspace Docket No. 21–AEA–14]

RIN 2120–AA66

Amendment of Class E Airspace; Skaneateles, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface at Skaneateles Aero Drome, Skaneateles, NY, to accommodate new area navigation (RNAV) global positioning system (GPS)

standard instrument approach procedures (SIAPs) serving this airport, as well as updating the airport's name. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, May 19, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface in Skaneateles, NY, to support IFR operations in the area.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 52623, September 22, 2021) for Docket No. FAA–2021–0747 to amend Class E airspace extending upward from 700 feet above the surface at Skaneateles Aero Drome, Skaneateles, NY, to accommodate new SIAPs serving this airport, as well as updating the airport's name.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at Skaneateles Aero Drome, Skaneateles, NY, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this airport. This action increases the radius to 8.0 miles (previously 6.5 miles) and updates the airport name to Skaneateles Aero Drome (formerly Skaneateles Aero Drome Airport).

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA NY E5 Skaneateles, NY [Amended]

Skaneateles Aero Drome, NY
(Lat. 42°54′50″ N, long. 76°26′27″ W)

That airspace extending upward from 700 feet above the surface within an 8.0-mile radius of Skaneateles Aero Drome.

Issued in College Park, Georgia, on February 16, 2022.

Matthew N. Cathcart,

Manager, Operations Support Group, Eastern Service Center, AJV–E2.

[FR Doc. 2022–03790 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31413; Amdt. No. 3995]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 23, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 23, 2022.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on February 4, 2022.

Thomas J. Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CRF part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 24 March 2022

Sacramento, CA, KSMF, ILS OR LOC RWY 35L, Amdt 8
Sacramento, CA, KSMF, RNAV (GPS) Y RWY 35L, Amdt 3
Sacramento, CA, KSMF, RNAV (GPS) Y RWY 35R, Amdt 2
Sacramento, CA, KSMF, RNAV (RNP) Z RWY 17L, Amdt 2
Sacramento, CA, KSMF, RNAV (RNP) Z RWY 17R, Amdt 2
Sacramento, CA, KSMF, RNAV (RNP) Z RWY 35L, Amdt 2
Sacramento, CA, KSMF, RNAV (RNP) Z RWY 35R, Amdt 2
San Jose, CA, KSJC, RNAV (RNP) Z RWY 12L, Amdt 2B
San Jose, CA, KSJC, RNAV (RNP) Z RWY 12R, Amdt 3B
Tulare, CA, Mefford Fld, Takeoff Minimums and Obstacle DP, Amdt 1
Visalia, CA, KVIS, ILS OR LOC RWY 30, Amdt 9
Visalia, CA, Visalia Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Visalia, CA, KVIS, VOR RWY 12, Amdt 7, CANCELLED
Hayden, CO, KHDN, ILS OR LOC RWY 10, Amdt 1
Hayden, CO, KHDN, RNAV (GPS) Y RWY 10, Amdt 4
Hayden, CO, KHDN, RNAV (RNP) Z RWY 10, Amdt 2A
Cochran, GA, 48A, RNAV (GPS) RWY 11, Amdt 2
Cochran, GA, 48A, RNAV (GPS) RWY 29, Amdt 2
Thomaston, GA, KOPN, ILS OR LOC RWY 30, Amdt 3
Thomaston, GA, KOPN, NDB RWY 30, Amdt 3
Thomaston, GA, KOPN, RNAV (GPS) RWY 12, Amdt 1
Thomaston, GA, KOPN, RNAV (GPS) RWY 30, Amdt 1
Quinter, KS, Gove County, Takeoff Minimums and Obstacle DP, Orig
Covington, KY, KCVG, RNAV (GPS) Y RWY 9, Amdt 1C
Covington, KY, KCVG, RNAV (GPS) Y RWY 18C, Amdt 1E
Covington, KY, KCVG, RNAV (GPS) Y RWY 18L, Amdt 1E
Covington, KY, KCVG, RNAV (GPS) Y RWY 18R, Amdt 1E
Covington, KY, KCVG, RNAV (GPS) Y RWY 36C, Amdt 1E
Covington, KY, KCVG, RNAV (GPS) Y RWY 36L, Amdt 1E
Covington, KY, KCVG, RNAV (GPS) Y RWY 36R, Amdt 1E
Covington, KY, KCVG, RNAV (RNP) Z RWY 9, Orig-B
Covington, KY, KCVG, RNAV (RNP) Z RWY 18C, Orig-D
Covington, KY, KCVG, RNAV (RNP) Z RWY 18L, Orig-D
Covington, KY, KCVG, RNAV (RNP) Z RWY 18R, Orig-D
Covington, KY, KCVG, RNAV (RNP) Z RWY 36C, Orig-D
Covington, KY, KCVG, RNAV (RNP) Z RWY 36L, Orig-D
Baltimore, MD, KBWI, RNAV (RNP) Z RWY 28, Amdt 1A
Fulton, MO, KFTT, RNAV (GPS) RWY 36, Orig-B
Concord, NH, Concord Muni, Takeoff Minimums and Obstacle DP, Amdt 5
Las Vegas, NV, KHND, RNAV (GPS)-B, Amdt 2
Binghamton, NY, KBGM, ILS OR LOC RWY 16, Amdt 8
Farmingdale, NY, KFRG, ILS OR LOC RWY 14, Amdt 8G
Ithaca, NY, KITH, ILS OR LOC RWY 32, Amdt 8
Youngstown, OH, 4G4, RNAV (GPS) RWY 28, Amdt 1
Youngstown, OH, 4G4, VOR–C, Amdt 2C, CANCELLED
Oklahoma City, OK, KPWA, ILS OR LOC RWY 17L, Amdt 12
Oklahoma City, OK, KPWA, VOR RWY 17L, Amdt 12
Oklahoma City, OK, KPWA, VOR RWY 35R, Amdt 4
Okmulgee, OK, KOKM, ILS OR LOC RWY 18, Amdt 2
Madras, OR, S33, RNAV (GPS) RWY 34, Orig-C
Chambersburg, PA, Franklin County Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4
Philadelphia, PA, KPHL, ILS OR LOC RWY 9L, ILS RWY 9L (SA CAT II), Amdt 5
Philadelphia, PA, KPHL, RNAV (GPS) Y RWY 9L, Amdt 2
Jackson, TN, KMKL, ILS OR LOC RWY 2, Amdt 10
Charlotte Amalie, VI, RNAV (GPS) RWY 10, Amdt 2
Renton, WA, KRNT, RNAV (GPS) RWY 34, Amdt 1

Rescinded: On January 24, 2022 (87 FR 3423), the FAA published an Amendment in Docket No. 31409, Amdt No. 3991, to Part 97 of the Federal Aviation Regulations under section 97.37. The following entry for Detroit, MI, effective March 24, 2022, is hereby rescinded in its entirety:

Detroit, MI, Willow Run, Takeoff Minimums and Obstacle DP, Amdt 11

[FR Doc. 2022–03705 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31414; Amdt. No. 3996]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective February 23, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 23, 2022.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on February 4, 2022.

Thomas J. Nichols,

Manager, Aviation Safety, Flight Standards Service, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
24–Mar–22	CA	Hawthorne	Jack Northrop Fld/Hawthorne Muni.	1/6195	1/7/22	VOR RWY 25, Amdt 16A.
24–Mar–22	OK	Alva	Alva Rgnl	1/8128	12/8/21	RNAV (GPS) RWY 36, Orig.
24–Mar–22	OK	Alva	Alva Rgnl	1/8131	12/8/21	RNAV (GPS) RWY 18, Orig.
24–Mar–22	MO	Charleston	Mississippi County	1/8132	12/8/21	RNAV (GPS) RWY 18, Orig-A.
24–Mar–22	CA	Twentynine Palms	Twentynine Palms	1/8138	12/8/21	VOR RWY 26, Amdt 2B.
24–Mar–22	CA	Twentynine Palms	Twentynine Palms	1/8139	12/8/21	RNAV (GPS) RWY 26, Amdt 2A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
24–Mar–22	NC	Liberty	Causey	2/7062	1/24/22	RNAV (GPS) RWY 2, Orig-B.
24–Marv22	TX	Van Horn	Culberson County	2/7064	1/24/22	RNAV (GPS) RWY 21, Orig-B.
24–Mar–22	MI	Saginaw	Saginaw County H W Browne.	2/7065	1/24/22	ILS OR LOC RWY 28, Amdt 1A.
24–Mar–22	CT	Danielson	Danielson	2/7066	1/24/22	VOR–A, Amdt 6E.
24–Mar–22	NY	Farmingdale	Republic	2/7068	1/24/22	RNAV (GPS) RWY 1, Amdt 3.
24–Mar–22	MI	Newberry	Luce County	2/7069	1/24/22	RNAV (GPS) RWY 11, Orig-B.
24–Mar–22	MI	Newberry	Luce County	2/7070	1/24/22	RNAV (GPS) RWY 29, Orig.
24–Mar–22	MN	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	2/7073	1/24/22	VOR RWY 13, Amdt 1A.
24–Mar–22	IN	Gary	Gary/Chicago Intl	2/7087	1/24/22	RNAV (GPS) RWY 20, Orig.
24–Mar–22	WI	Janesville	Southern Wisconsin Rgnl	2/7094	1/24/22	RNAV (GPS) RWY 14, Amdt 1B.
24–Mar–22	FL	Leesburg	Leesburg Intl	2/7102	1/24/22	RNAV (GPS) RWY 31, Amdt 1B.
24–Mar–22	AZ	Tucson	Ryan Fld	2/7103	1/24/22	ILS OR LOC RWY 6R, Amdt 5D.
24–Mar–22	ID	Caldwell	Caldwell Industrial	2/7107	1/24/22	RNAV (GPS) RWY 12, Amdt 1B.
24–Mar–22	FL	Leesburg	Leesburg Intl	2/7121	1/24/22	RNAV (GPS) RWY 13, Amdt 2B.
24–Mar–22	LA	Lake Charles	Lake Charles Rgnl	2/7185	1/26/22	VOR/DME–B, Amdt 8A.
24–Mar–22	NC	Monroe	Charlotte-Monroe Exec	2/7196	1/26/22	RNAV (GPS) RWY 23, Amdt 1.
24–Mar–22	NY	Schenectady	Schenectady County	2/8413	1/27/22	ILS OR LOC RWY 4, Amdt 5F.
24–Mar–22	NY	Schenectady	Schenectady County	2/8414	1/27/22	RNAV (GPS) RWY 4, Orig-D.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8853	1/27/22	ILS Z OR LOC Z RWY 20, Amdt 5.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8854	1/27/22	ILS Y OR LOC Y RWY 20, Orig.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8855	1/27/22	RNAV (GPS) RWY 20, Amdt 3.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8856	1/27/22	RNAV (GPS) RWY 2, Amdt 1.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8857	1/27/22	RNAV (GPS) RWY 8, Amdt 2A.
24–Mar–22	NC	Greenville	Pitt-Greenville	2/8858	1/27/22	RNAV (GPS) RWY 26, Amdt 2A.

[FR Doc. 2022–03706 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

RIN 3046–AB17

2022 Adjustment of the Penalty for Violation of Notice Posting Requirements

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, this final rule adjusts for inflation the civil monetary penalty for violation of the notice-posting requirements in Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Genetic Information Non-Discrimination Act.

DATES: This final rule is effective February 23, 2022.

FOR FURTHER INFORMATION CONTACT: Kathleen Oram, Assistant Legal Counsel, (202) 921–2665 or *kathleen.oram@eeoc.gov,* or Savannah Marion Felton, Senior Attorney, (202) 921–2671 or *savannah.felton@eeoc.gov,* Office of Legal Counsel, Equal Employment Opportunity Commission, 131 M St. NE, Washington, DC 20507. Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 921–3191 (voice) or 1–800–669–6820 (TTY), or 1–844–234–5122 (ASL video phone).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 711 of the Civil Rights Act of 1964 (Title VII), which is adopted by reference in section 105 of the Americans with Disabilities Act (ADA) and section 207(a)(1) of the Genetic Information Non-Discrimination Act (GINA), and implemented in 29 CFR 1601.30(a), every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program covered by Title VII, ADA, or GINA must post notices describing the pertinent provisions of these laws. Such notices must be posted in prominent and accessible places where notices to employees, applicants, and members are customarily maintained. 29 CFR 1601.30(a). Failure to comply with this posting requirement is subject to penalty pursuant to the Federal Civil Penalties Adjustment Act, as amended. 29 CFR 1601.30(b). In fiscal year (FY) 2021, the Equal Employment Opportunity Commission (EEOC) had 10 posting violation charge resolutions.

The EEOC first adjusted the civil monetary penalty for violations of the notice posting requirements in 1997 pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIA Act), 28 U.S.C. 2461 note, as amended by the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, Sec. 31001(s)(1), 110 Stat. 1373. A final rule was published in the **Federal Register** on May 16, 1997, at 62 FR 26934, which raised the maximum penalty per violation from $100 to $110. The EEOC's second adjustment, made pursuant to the FCPIA Act, as amended by the DCIA, was published in the **Federal Register** on March 19, 2014, at 79 FR 15220 and raised the maximum penalty per violation from $110 to $210.

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), Public Law 114–74, Sec. 701(b), 129 Stat. 599, further amended the FCPIA Act, to require each federal agency, not later than July 1, 2016, and not later than January 15 of every year thereafter, to issue regulations adjusting for inflation the maximum civil penalty that may be imposed pursuant to each agency's statutes. The purpose of the annual adjustment for inflation was to maintain the remedial impact of civil monetary penalties and promote compliance with the law. The EEOC's initial adjustment made pursuant to the 2015 Act was published in the **Federal Register** on June 2, 2016, at 81 FR 35269 and raised the maximum penalty per violation from $210 to $525. The EEOC has subsequently made annual adjustments pursuant to the 2015 Act each year. Most recently, in 2021, the maximum

penalty per violation was increased to $576.

These annual adjustments to the penalty are calculated pursuant to the inflation adjustment formula provided in section 5(b) of the 2015 Act. In accordance with section 6 of the 2015 Act, the adjusted penalty will apply only to penalties assessed after the effective date of the adjustment. Generally, the periodic inflation adjustment to a civil monetary penalty under the 2015 Act will be based on the percentage change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the date of adjustment and the prior year's October CPI–U.

II. Calculation

The adjustment set forth in this final rule was calculated by comparing the CPI–U for October 2020 with the CPI–U for October 2021, resulting in an inflation adjustment factor of 1.06222. The first step of the calculation is to multiply the inflation adjustment factor (1.06222) by the most recent civil penalty amount ($576) to calculate the inflation-adjusted penalty level ($611.83872). The second step is to round this inflation-adjusted penalty to the nearest dollar ($612). Accordingly, the Commission is now adjusting the maximum penalty per violation specified in 29 CFR 1601.30(a) from $576 to $612.

III. Regulatory Procedures

Administrative Procedure Act

The Administrative Procedure Act (APA) provides an exception to the notice and comment procedures where an agency finds good cause for dispensing with such procedures, on the basis that they are impracticable, unnecessary, or contrary to the public interest. The Commission finds that under 5 U.S.C. 553(b)(3)(B) good cause exists to not utilize notice of proposed rulemaking and public comment procedures for this rule because this adjustment of the civil monetary penalty is required by the 2015 Act, the formula for calculating the adjustment to the penalty is prescribed by statute, and the Commission has no discretion in determining the amount of the published adjustment. Accordingly, the Commission is issuing this revised regulation as a final rule without notice and comment.

Executive Order 12866

Pursuant to Executive Order 12866, the EEOC has coordinated with the Office of Management and Budget (OMB). Under section 3(f) of Executive Order 12866, the EEOC and OMB have determined that this final rule will not have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities. In FY 2021, the Commission had 10 posting notice charge resolutions. The great majority of employers and entities covered by these regulations comply with the posting requirement, and, as a result, the aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who fail to post required notices in violation of the regulation and statue.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) (PRA) applies to rulemakings in which an agency creates a new paperwork burden on regulated entities or modifies an existing burden. This final rule contains no new information collection requirements, and therefore, will create no new paperwork burdens or modifications to existing burdens that are subject to review by the Office of Management and Budget under the PRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) only requires a regulatory flexibility analysis when notice and comment is required by the Administrative Procedure Act or some other statute. As stated above, notice and comment is not required for this rule. For that reason, the requirements of the Regulatory Flexibility Act do not apply.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Congressional Review Act (CRA) requires that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EEOC 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 the effective date of the rule. Under the CRA, a major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by the CRA at 5 U.S.C. 804(2).

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure.

Charlotte A. Burrows,

Chair, Equal Employment Opportunity Commission.

Accordingly, the Equal Employment Opportunity Commission amends 29 CFR part 1601 as follows:

PART 1601—PROCEDURAL REGULATIONS

■ 1. The authority citation for part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e–17; 42 U.S.C. 12111 to 12117; 42 U.S.C. 2000ff to 2000ff–11; 28 U.S.C. 2461 note, as amended; Pub. L. 104–134, Sec. 31001(s)(1), 110 Stat. 1373.

■ 2. Section 1601.30 is amended by revising paragraph (b) to read as follows:

§ 1601.30 Notices to be posted.

* * * * *

(b) Section 711(b) of Title VII and the Federal Civil Penalties Inflation Adjustment Act, as amended, make failure to comply with this section punishable by a fine of not more than $612 for each separate offense.

[FR Doc. 2022–03697 Filed 2–22–22; 8:45 am]

BILLING CODE 6570–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

[Docket No. FWS–HQ–IA–2020–0019; FF09A30000–190FXIA16710900000]

RIN 1018–BF14

Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Updates Following the Eighteenth Meeting of the Conference of the Parties (CoP18) to CITES

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS or Service), are

taking direct final action to revise regulations that implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Treaty or Convention) by incorporating certain non-controversial provisions adopted at the sixteenth through eighteenth meetings of the Conference of the Parties (CoP16–CoP18) to CITES and clarifying and updating certain other provisions. These changes will bring U.S. regulations in line with certain revisions adopted at the three most recent meetings of the Conference of the Parties, which took place in March 2013 (CoP16), September–October 2016 (CoP17), and August 2019 (CoP18). The revised regulations will help us more effectively promote species conservation, help us continue to fulfill our responsibilities under the Treaty, and help those affected by CITES to understand how to conduct lawful international trade.

DATES: This rule is effective May 24, 2022 without further action, unless we receive significant adverse comment that provides strong justifications as to why this rule should not be adopted or why it should be changed by March 25, 2022. The incorporation by reference of the material listed in this rule is approved by the Director of the Federal Register as of May 24, 2022. If we receive significant adverse information that provides strong justifications regarding why this rule should not be adopted or why it should be changed, we will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect, in whole or in part.

ADDRESSES:

Comment submission: You may submit comments regarding this direct final rule by one of the following methods:

- *Electronically using the Federal eRulemaking Portal: http://www.regulations.gov* in Docket No. FWS–HQ–IA–2020–0019 (the docket number for this rulemaking).
- *U.S. mail:* Public Comments Processing, Attn: FWS–HQ–IA–2020–0019; U.S. Fish and Wildlife Service Headquarters, MS: JAO/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will not accept email or faxes. Comments and materials we receive, as well as supporting documentation, will be available for public inspection on *http://www.regulations.gov.*

Supplementary materials: For the CITES guidelines for the non-air transport of live wild animals and plants incorporated by reference (IBR) in this rule, contact CITES Secretariat, Palais des Nations, Avenue de la Paix 8–14, 1211 Genève 10, Switzerland; telephone +41–(0)22–917–81–39/40; email *info@cites.org.* You may find this CITES IBR material on the CITES Secretariat's website at *https://www.cites.org/eng/resources/transport/index.php* and on our website at *https://www.fws.gov/international/travel-and-trade/live-animal-transport.html.* For the *International Air Transport Association Live Animals Regulations* and the *International Air Transport Association Perishable Cargo Regulations* incorporated by reference, contact IATA, 800 Place Victoria, P.O. Box 113, Montreal, Canada H4Z 1M1; telephone 1–800–716–6326. Interested persons may purchase a copy of the IBR IATA publications at: *https://www.iata.org/publications.* To view this IBR material at the Division of Management Authority office (see **FOR FURTHER INFORMATION CONTACT**), please email us regarding the current status of our office facility at: *managementauthority@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Pamela Hall Scruggs, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: IA, Falls Church, VA 22041–3803; telephone 703–358–2095 or email: *managementauthority@fws.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

CITES was negotiated in 1973 in Washington, DC, at a conference attended by delegations from 80 countries. The United States ratified the Treaty on September 13, 1973, and it entered into force on July 1, 1975, after it had been ratified by 10 countries. Currently, 182 countries and the European Union (EU) have ratified, accepted, approved, or acceded to CITES; these countries and the EU (a regional economic integration organization) are known as Parties. On January 4, 2022, Andorra will become the 184th Party to CITES. The Convention is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or may become threatened with extinction and may be affected by trade. These species are listed in Appendices to CITES, which are available on the CITES Secretariat's website at *http://www.cites.org/eng/app/index.php.* The Convention calls for regular biennial meetings of the Conference of the Parties (CoP), unless the Conference of the Parties decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the lists of species in Appendices I and II, consider reports presented by the Secretariat and the permanent CITES committees (Standing, Animals, and Plants Committees), and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and other agenda items for consideration by all of the Parties at the meetings.

Section 8A of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (ESA), designates the Secretary of the Interior as the U.S. Management Authority and U.S. Scientific Authority for CITES. Section 8A further states that the respective functions of these authorities shall be carried out through the U.S. Fish and Wildlife Service.

II. Previous Federal Actions

The original U.S. regulations implementing CITES took effect on May 23, 1977 (42 FR 10462, February 22, 1977), after the first CoP was held. We have since updated the regulations several times. U.S. CITES regulations were most recently updated in May 2014 (79 FR 30400, May 27, 2014) and contain applicable provisions adopted at meetings of the Conference of the Parties up to and including the fifteenth meeting (CoP15), which took place in 2010.

III. This Rule

As a Party to CITES, the United States has the responsibility under Article II(4) of the Treaty to ensure that all trade is consistent with the Treaty. To ensure that U.S. businesses and individuals understand the requirements for lawful international trade in CITES specimens, it is necessary for us to periodically update our CITES implementing regulations. With this direct final rule we are incorporating minor, noncontroversial updates to our regulations to reflect certain technical changes adopted by the CITES Parties during the sixteenth through eighteenth meetings of the Conference of the Parties to CITES (CoP16–CoP18) and clarifying and updating other provisions. The revisions in this direct final rule bring U.S. regulations in line with certain revisions adopted at these meetings of the Conference of the Parties, which took place in March 2013 (CoP16), September–October 2016 (CoP17), and August 2019 (CoP18). The revised regulations will help us more effectively promote species conservation, help us continue to fulfill

our responsibilities under the Treaty, and help those affected by CITES understand how to conduct lawful international trade.

IV. Use of a Direct Final Rule

An agency uses direct final rulemaking without prior proposal when it anticipates that a rule will be noncontroversial. Examples include minor substantive revisions to regulations and direct incorporations of mandates from new legislation. We are publishing this rule without a prior proposal because these changes are noncontroversial actions that, in the best interest of the regulated public, should be undertaken in as timely a manner as possible. The Parties agreed by consensus that these changes are appropriate for the conservation of the species and implementation of the Treaty. As previously noted, as a Party to CITES, the United States has the responsibility under Article II(4) of the Treaty to ensure that all trade is consistent with the Treaty, which includes aligning import, introduction from the sea, export, and re-export provisions as agreed by the Parties. Thus, we have good cause to find that standard notice and public comment procedures would be unnecessary and contrary to the public interest.

The rule will be effective, as published in this document, on the effective date specified above in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justifications as to why the rule should not be adopted or why it should be changed. If we receive significant adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may withdraw only that provision, and otherwise adopt as final those provisions of the rule that are not the subject of an adverse comment.

In the event that we do receive significant adverse comments, we will engage in the normal rulemaking process to promulgate changes to 50 CFR part 23 as necessary. In addition, to address other necessary changes to our regulations as a result of the last three CoPs that are more complex than the provisions in this rulemaking document, we will soon publish a proposed rule for public comment.

V. Changes to 50 CFR Part 23

Section 23.5 How are the terms used in these regulations defined?

Whenever possible we define terms using the wording of the Treaty and the Resolutions. In this direct final rule, we are amending § 23.5 to include a definition of the term ''assisted production.'' We are making this amendment together with our amendment of § 23.24 to add a new source code ''Y'' for assisted production plants. (See the preamble discussion for § 23.24.)

The new term ''assisted production'' was developed and adopted by the Parties for use with certain plant specimens that do not fall within the definition of ''artificially propagated'' and are not considered to be ''wild'' because they are propagated or planted in an environment with some level of human intervention for the purpose of plant production. The term is the result of extensive, substantive discussions at the direction of the Conference of the Parties that resulted in recommendations by the Plants Committee (PC24; Geneva, 2018) and the Standing Committee (SC70; Sochi, 2018), to amend Resolution Conf. 12.3, *Permits and certificates,* and Resolution Conf. 11.11, *Regulation of trade in plants,* to add the concept and definition of ''assisted production'' and its associated new source code ''Y'' for use on CITES documents. The United States was a member of the Plants Committee's intersessional and in-session working groups on this topic and the in-session Standing Committee working group at SC70. The recommendations were developed as a result of the recognized need for an intermediate source code for international trade in plant specimens. These recommended changes to Resolution Conf. 12.3 and Resolution Conf. 11.11, to establish an intermediate source code for international trade in plant specimens that do not qualify as ''artificially propagated'' according to CITES but are also not wild specimens, were adopted by the Parties at CoP18 with support from the United States.

Under the newly revised Resolution Conf. 11.11 (Rev. CoP18), ''assisted production'' means plant specimens that do not fulfill the definition of ''artificially propagated'' and are considered not to be ''wild'' because they are propagated or planted in an environment with some level of human intervention for the purpose of plant production. We are implementing this definition with nonsubstantive changes for clarity and for consistency with language in our current regulations. Material used to produce plant specimens from assisted production systems can be derived from plant material that is exempt from the provisions of the Convention, or derived from artificially propagated plants, or derived from plants grown in an environment with some level of human intervention, or derived from plant materials collected sustainably from wild populations in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild. Trade in assisted production plants (source code Y) will continue to require compliance with the provisions of Articles III, IV, and V of the Convention, the same as for trade in wild plants (source code W).

The Parties envisioned that Source Code Y could be used as an intermediate source code under a number of different scenarios to fill a gap in the previously available source codes. These scenarios include situations in which: (1) Countries have developed plant production systems that clearly reduce pressure on wild-sourced plant material, but this development is not reflected if the Source Code W is used; (2) using Source Code W for plant material that comes from managed production systems reduces scientific accuracy and misrepresents the trade data; and (3) identifying the source of species harvested outside their natural range does not fit logically under Source Code W or Source Code A (for artificially propagated plants). As noted above, the Parties also confirmed that the new Source Code Y would continue to require compliance with the provisions of Articles III, IV, and V of the Convention, including the making of required non-detriment findings for Appendix–I and Appendix–II specimens and required legal acquisition findings for Appendix–I, Appendix–II, and Appendix–III specimens; therefore, ensuring that impact on the wild population and possible conservation concerns would be considered. The United States also believes that Source Code Y could be used in cases where the best available information demonstrates that the plants for export were not wild harvested, but the applicant cannot provide sufficient information to prove that the plants were artificially propagated, as is generally the case in a household move of personal plants purchased from a nursery or other retailer.

We are therefore amending our regulations to implement the new definition of ''assisted production''

adopted by the Parties together with our amendment of § 23.24 to add a new source code ''Y'' for assisted production plants. (See the preamble discussion for § 23.24.) This action fulfills the needs described above, as it will promote more effective implementation of CITES for plants, will more accurately reflect the range of sources from which CITES-listed plants are derived, and will help promote the conservation of CITES-listed plants.

Section 23.6 What are the roles of the Management and Scientific Authorities?

In this direct final rule, we amend the table in § 23.6, which lists the roles of the U.S. Management and Scientific Authorities, to reflect the revisions to Resolution Conf. 11.17 (Rev. CoP18), *National reports,* that were adopted at CoP16. The revised Resolution includes a new recommendation that the CITES biennial report, required under Article VIII, paragraph 7(b) of the Treaty, be submitted 1 year before each meeting of the Conference of the Parties, instead of every 2 years, and that the name of the report therefore be changed from ''biennial report'' to ''report required under the provisions of Article VIII, paragraph 7(b).'' We change ''biennial reports'' in § 23.6(g) to ''periodic Article VIII, paragraph 7(b) reports'' to reflect this new recommendation. This paragraph states that it is a role of the U.S. Management Authority to produce such reports.

Section 23.7 What office do I contact for CITES information?

This section contains contact information for offices involved in CITES implementation in the United States and for the CITES Secretariat. In this direct final rule we update the information in paragraph (f) regarding guidelines currently available on the Secretariat's website for humane transport of CITES specimens. (See the preamble discussion for § 23.23.)

Section 23.9 Incorporation by Reference

In this direct final rule, we are finalizing regulatory text that includes incorporation by reference. We currently require that CITES export and re-export documents for live specimens contain a specific condition that the document is valid only if the transport complies with certain humane-transport standards. At CoP14, the Parties agreed to promote the full and effective use of the International Air Transport Association (IATA) *Live Animals Regulations* (for animals) and *Perishable Cargo Regulations* (for plants) as the standards for the preparation and transport of live specimens. The IATA *Live Animals Regulations* (LAR), 40th edition, and *Perishable Cargo Regulations* (PCR), 13th edition, are incorporated by reference into our regulations at § 23.9. With this direct final rule, we update our regulations by incorporating by reference the 48th edition of the IATA LAR and the 21st edition of the PCR to replace the 40th and 13th editions, respectively, that are incorporated by reference in our current regulations.

At CoP16, the Parties adopted the CITES guidelines for the non-air transport of wild animals and plants, recognizing that the non-air transport of live specimens of certain species may require transport conditions in addition to or different from those in the IATA regulations (see the preamble discussion for § 23.23). In this direct final rule we incorporate by reference (in § 23.9) the CITES guidelines for the non-air transport of live wild animals and plants as the standard for the non-air transport of certain CITES-listed animals and plants.

In accordance with requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the CITES guidelines for the non-air transport of live wild animals and plants, the 48th edition of the IATA *Live Animals Regulations* (LAR), and the 21st edition of the IATA *Perishable Cargo Regulations* (PCR). The LAR establishes regulations for air transportation of all animals including CITES-listed species. The IATA PCR establishes regulations for air transportation of perishable, including all plants and those species that are CITES-listed. The CITES guidelines for the non-air transport of live wild animals and plants establishes regulations for the non-air transport of CITES-listed animals and plants for those species that have methods different than, or in addition to, the methods prescribed by the LAR or PCR. The regulations and standards provided by these three references for the safe and humane transport of all animals and plants must be complied with for the legal international transport of all CITES-listed animals and plants. We update the references to humane transport requirements elsewhere in part 23 (§§ 23.7, 23.23, 23.26, and 23.56) to reflect these changes. Copies of the materials incorporated by reference normally may be inspected by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at: U.S. Fish and Wildlife Service Headquarters, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095. However, the COVID–19 pandemic may affect when these materials are available for inspection. For information on the availability to view this material at the Division of Management Authority office, please email us regarding the current status of our office facility at: *managementauthority@fws.gov.* You may find the CITES IBR material on the CITES Secretariat's website at *https://www.cites.org/eng/resources/transport/index.php* and on our website at *https://www.fws.gov/international/travel-and-trade/live-animal-transport.html.* Interested persons may purchase a copy of the IATA publications at: *https://www.iata.org/publications.*

Section 23.23 What information is required on U.S. and foreign CITES documents?

This section details information that must be included on CITES documents.

To authorize export and re-export of living specimens, Articles III, IV, V, and VII of the Convention require the Management Authority to be satisfied the living specimens will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment. Additionally, under Article VIII of the Convention, Parties are required to ensure that all living specimens, during any period of transit, holding, and shipment, are properly cared for so as to minimize the risk of injury, damage to health, or cruel treatment. To meet these obligations, we currently require that CITES export and re-export documents for live specimens contain a specific condition that the document is valid only if the transport complies with certain humane-transport standards and require that shipments containing live CITES specimens comply with these standards. At CoP14, the Parties agreed to promote the full and effective use of the International Air Transport Association (IATA) *Live Animals Regulations* (LAR) (for animals) and *Perishable Cargo Regulations* (PCR) (for plants) as the standards for the preparation and transport of live specimens. These IATA documents are incorporated by reference into our regulations at § 23.9.

At CoP16, the Parties adopted the CITES guidelines for the non-air transport of wild animals and plants. These new guidelines were developed by a joint Animals Committee/Plants Committee working group (under Decision 15.59) recognizing that the non-air transport of live specimens of certain species may require transport conditions in addition to or different from those in the IATA regulations. The United States participated in the working group and supported the

adoption of the guidelines at CoP16. With this direct final rule we incorporate by reference (in § 23.9) the CITES guidelines for the non-air transport of live wild animals and plants as the standard for the non-air transport of certain CITES-listed animals and plants. In addition, we update our regulations by incorporating by reference (in § 23.9) the 48th edition of the IATA LAR and the 21st edition of the IATA PCR to replace the 40th edition of the LAR and the 13th edition of the PCR that are incorporated by reference in our current regulations. We update the references to humane transport requirements elsewhere in part 23 (§§ 23.7, 23.26, and 23.56) to reflect these changes.

§ 23.24 What code is used to show the source of the specimen?

The Management Authority must indicate on CITES documents the source of the specimen being traded. The table in § 23.24 contains source codes agreed by the CITES Parties for use on CITES documents. At CoP16, the Parties agreed to a framework for application of the provisions in Articles III and IV of the Treaty for trade in specimens taken in the marine environment not under the jurisdiction of any country (Resolution Conf. 14.6 (Rev. CoP16), *Introduction from the sea*). At the same time, the Parties agreed to the use of source code ''X'' on CITES documents issued for such specimens, through the adoption of changes to Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates.* With this direct final rule, we are adding source code ''X'' to the table in § 23.24 for specimens taken in the marine environment not under the jurisdiction of any country.

The Parties agreed, at CoP18, to adopt revisions to Resolution Conf. 11.11 (Rev. CoP18), *Regulation of trade in plants,* including addition of the term ''assisted production'' (see the discussion in the preamble for § 23.5 regarding the definition of ''assisted production'') and to the use of source code ''Y'' on CITES documents for such specimens, through the adoption of changes to Resolution Conf. 12.3 (Rev. CoP18) on *Permits and certificates.* With this direct final rule, we add this new source code to the table in § 23.24 for assisted production plants.

§ 23.26 When is a U.S. or foreign CITES document valid?

With this direct final rule, we update the documents incorporated by reference into our regulations at § 23.23(c)(7) that provide guidance on humane transport of live specimens. (See the preamble discussion for § 23.23.) We update the entry on humane transport in the table at § 23.26 to reflect these changes.

§ 23.56 What U.S. CITES document conditions do I need to follow?

With this direct final rule, we update the documents incorporated by reference into our regulations at § 23.9 that provide guidance on humane transport of live specimens. (See the preamble discussions for §§ 23.9 and 23.23.) Therefore, we update the text at § 23.56(a)(2) regarding humane-transport conditions to reflect these changes.

VI. Public Comments

We will not consider comments regarding this direct final rule sent by email or fax or to an address not listed in **ADDRESSES**. If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

VII. Required Determinations

Clarity of the Rule

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

(1) Be logically organized;

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

(3) Use clear language rather than jargon;

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

(5) Use lists and tables wherever possible.

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

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

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with this rule. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under NEPA is not required because the rule is covered by a categorical exclusion. This rule is a regulation that is of an administrative, legal, technical, or procedural nature, and its environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis under NEPA. The FWS has determined that this rule is categorically excluded from further NEPA review as provided by 516 DM 8 (Department of the Interior Manual, Series 31, Part 516, Chapter 8: *Managing the NEPA Process—U.S. Fish and Wildlife Service*) and 43 CFR 46.210(i). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

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

Under the Regulatory Flexibility Act (RFA), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*) amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less

than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. We expect that the majority of the entities involved with international trade in CITES specimens would be considered small as defined by the SBA.

This rule would create no substantial fee or paperwork changes in the permitting process. The regulatory changes are not major in scope and would not change the modest financial or paperwork burden on the affected members of the general public currently approved under the Paperwork Reduction Act.

This rule would benefit businesses engaged in international trade by providing updated and clearer regulations for the international trade of CITES specimens. We do not expect these benefits to be significant under the RFA. The authority to enforce CITES requirements already exists under the ESA and is carried out by regulations contained in 50 CFR part 23. The requirements that must be met for import, introduction from the sea, export, and re-export of CITES species are based on the text of CITES, which has been in effect in the United States since 1975.

We therefore certify that this rule would not have a significant economic effect on a substantial number of small entities as defined under the RFA, and a regulatory flexibility analysis is not required.

Small Business Regulatory Enforcement Fairness Act (SBREFA) (5 U.S.C. 801 et seq.)

This rule is not a major rule under SBREFA. This rule:

(a) Will not have an annual effect on the economy of $100 million or more. This rule provides the importing and exporting community in the United States with updated and more clearly written regulations implementing CITES. This rule will not have a negative effect on this part of the economy. It will affect import, introduction from the sea, export, and re-export of CITES specimens by any person equally, and the benefits of having updated guidance on complying with CITES requirements will be evenly spread among all businesses, whether large or small. There is not a disproportionate share of benefits for small or large businesses.

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

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule will assist U.S. businesses and individuals traveling abroad in ensuring that they are meeting all current CITES requirements, thereby decreasing the possibility that shipments may be delayed or even seized in another country that has implemented CITES resolutions not yet incorporated into U.S. regulations.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2 (Department of the Interior Manual, Series 30, Part 512, Chapter 2: *Departmental Responsibilities for Indian Trust Resources*), we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have evaluated this rule under the criteria in Executive Order 13175 under the Department's consultation policy and have determined that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Department's Tribal consultation policy is not required. Individual Tribal members must meet the same regulatory requirements as other individuals who trade internationally in CITES species.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Management and Budget (OMB) will review all significant rules. OMB has determined that this rule is not significant.

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

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects when undertaking certain actions. This rule revises the current regulations in 50 CFR part 23 that implement CITES. The regulations provide procedures to assist individuals and businesses that import, introduce from the sea, export, and re-export CITES wildlife and plants, and their parts, products, and derivatives, to meet international requirements. This rule does not significantly affect energy supplies, distribution, and use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

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

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both Federal intergovernmental mandates and Federal private sector mandates. These terms are defined in 2 U.S.C. 658(5)–(7).

''Federal intergovernmental mandate'' includes a regulation that would impose an enforceable duty upon State, local, or Tribal governments with two exceptions. It excludes a condition of Federal assistance. It also excludes a duty arising from participation in a voluntary Federal program, unless the regulation relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal

governments under entitlement authority, if the provision would increase the stringency of conditions of assistance or place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding, and the State, local, or Tribal governments lack authority to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

(2) The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. As the lead agency for implementing CITES in the United States, we are responsible for monitoring international trade in CITES wildlife and plants, including their parts, products, and derivatives, and issuing documents under CITES to authorize international trade in CITES wildlife and plants. The structure of the program imposes no unfunded mandates; this rule imposes no obligations on State, local, or Tribal governments. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of this rule.

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. The rule would not further restrict the import, export, or re-export of CITES specimens. Rather, this rule updates and clarifies the regulations for the import, export, and re-export of CITES specimens, which will assist the importing and exporting community in conducting international trade in CITES specimens. A takings implication assessment is not required.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (federalism), this rule does not have significant federalism effects. A federalism summary impact statement is not required. These revisions to 50 CFR part 23 do not contain significant federalism implications.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. Specifically, this rule:

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

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

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 23

Animals, Endangered and threatened species, Exports, Fish, Foreign trade, Imports, Incorporation by reference, Plants, Transportation, Treaties, Wildlife.

Regulation Promulgation

Therefore, for the reasons discussed in the preamble, we hereby amend part 23 of title 50, Code of Federal Regulations, as set forth below.

PART 23—CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

■ 1. The authority citation for part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora (March 3, 1973), 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

■ 2. Amend § 23.5 by adding, in alphabetical order, a definition of ''assisted production'' to read as follows:

§ 23.5 How are the terms used in these regulations defined?

* * * * *

Assisted production means a plant specimen that does not fall within the definition of ''artificially propagated'' and the source of the specimen is considered not to be taken from the wild because it was propagated or planted in an environment with some level of human intervention for the purpose of plant production.

* * * * *

§ 23.6 [Amended]

■ 3. Amend § 23.6 by removing the word ''biennial'' in paragraph (g) and adding in its place the words ''periodic Article VIII, paragraph 7(b)''.

§ 23.7 [Amended]

■ 4. Amend § 23.7(f)(2) by removing the words ''*CITES' Guidelines for transport and preparation for shipment of live wild animals and plants*'' and adding in their place the words ''*CITES Guidelines for the non-air transport of live wild animals and plants*''.

■ 5. Revise § 23.9 to read as follows:

§ 23.9 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at U.S. Fish and Wildlife Service, International Affairs, Division of Management Authority, 703–358–2104 and is available from the sources listed elsewhere in this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fr.inspection@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(a) International Air Transport Association (IATA), 800 Place Victoria, P.O. Box 113, Montreal, Quebec, Canada H4Z 1M1, 1–800–716–6326, *www.iata.org.*

(1) *Live Animals Regulations (LAR) 48th edition,* effective January 1, 2022, into §§ 23.23, 23.26, and 23.56.

(2) *Perishable Cargo Regulations (PCR) 21st edition,* effective January 1, 2022, into §§ 23.23, 23.26, and 23.56.

(b) CITES Secretariat: Palais des Nations, Avenue de la Paix 8–14, 1211 Genève 10, Switzerland; telephone +41–(0)22–917–81–39/40; email *info@cites.org, www.cites.org.*

(1) *CITES Guidelines for the non-air transport of live wild animals and plants,* effective January 2, 2017, into §§ 23.23, 23.26, and 23.56, available for downloading at

(i) *https://cites.org/eng/resources/transport/index.php*

(ii) *https://www.fws.gov/international/travel-and-trade/live-animal-transport.html*

(2) [Reserved]

■ 6. Amend § 23.23 by revising paragraph (c)(7) to read as follows:

§ 23.23 What information is required on U.S. and foreign CITES documents?

* * * * *

(c) * * *

Required information	Description
* * * * * * *	
(7) Humane transport of live specimens.	If the CITES document authorizes the export or re-export of live specimens, a statement that the document is valid only if the transport conditions comply with the *International Air Transport Association Live Animals Regulations* (for animals) (incorporated by reference, see § 23.9) or the *International Air Transport Association Perishable Cargo Regulations* (for plants) (incorporated by reference, see § 23.9) or, in the case of non-air transport of species that may require transport conditions in addition to or different from the *Live Animals Regulations* or the *Perishable Cargo Regulations,* the CITES *Guidelines for the non-air transport of wild animals and plants* (incorporated by reference, see § 23.9). A shipment containing live specimens must comply with the *International Air Transport Association Live Animals Regulations* (for animals) or the *International Air Transport Association Perishable Cargo Regulations* (for plants) or, in the case of non-air transport of species that may require transport conditions in addition to or different from the *Live Animals Regulations* or the *Perishable Cargo Regulations,* the CITES *Guidelines for the non-air transport of wild animals and plants.*
* * * * * * *	

* * * * *

■ 7. Amend § 23.24 by adding paragraphs (j) and (k) to read as follows:

§ 23.24 What code is used to show the source of the specimen?

* * * * *

Source of specimen	Code
* * * * * * *	
(j) *Specimens taken in the marine environment not under the jurisdiction of any country (see § 23.39)*	X
(k) *Assisted production plant (see § 23.5)*	Y

■ 8. Amend § 23.26 by revising paragraph (c)(8) to read as follows:

§ 23.26 When is a U.S. or foreign CITES document valid?

* * * * *

(c) * * *

Key phrase	Conditions for an acceptable CITES document
* * * * * * *	
(8) Humane transport	Live wildlife or plants were transported in compliance with the *International Air Transport Association Live Animals Regulations* (for animals) (incorporated by reference, see § 23.9) or the *International Air Transport Association Perishable Cargo Regulations* (for plants) (incorporated by reference, see § 23.9) or, in the case of non-air transport of species that may require transport conditions in addition to or different from the *Live Animals Regulations* or the *Perishable Cargo Regulations,* the CITES *Guidelines for the non-air transport of live wild animals and plants* (incorporated by reference, see § 23.9).
* * * * * * *	

* * * * *

■ 9. Amend § 23.56 by revising paragraph (a)(2) to read as follows:

§ 23.56 What U.S. CITES document conditions do I need to follow?

(a) * * *

(2) For export and re-export of live wildlife and plants, transport conditions must comply with the *International Air Transport Association Live Animals Regulations* (for animals) (incorporated by reference, see § 23.9) or the *International Air Transport Association Perishable Cargo Regulations* (for plants) (incorporated by reference, see § 23.9) or, in the case of non-air transport of species that may require transport conditions in addition to or different from the *Live Animals Regulations* or the *Perishable Cargo Regulations,* the *CITES Guidelines for the non-air transport of live wild animals and plants* (incorporated by reference, see § 23.9).

* * * * *

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–03533 Filed 2–22–22; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 87, No. 36
Wednesday, February 23, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

[NRC–2020–0031]

RIN 3150–AK44

Revision of Fee Schedules; Fee Recovery for Fiscal Year 2022

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, special project, and annual fees charged to its applicants and licensees. These proposed amendments are necessary to implement the Nuclear Energy Innovation and Modernization Act, which requires the NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement. In addition, on August 20, 2021, the Chief Financial Officer granted a public interest exemption from the provisions in the fiscal year 2021 final fee rule that required fees for import and export licensing actions. Therefore, this proposed rule would not assess fees for import and export licensing activities in fiscal year 2022.

DATES: Submit comments by March 25, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to ensure consideration for comments received before this date. Because the Nuclear Energy Innovation and Modernization Act requires the NRC to collect fees for fiscal year 2022 by September 30, 2022, the NRC must finalize any revisions to its fee schedules promptly, and thus is unable to grant any extension request of the comment period.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject); 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–2020–0031. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications 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: Anthony Rossi, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7341; email: *Anthony.Rossi@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Background; Statutory Authority
III. Discussion
IV. Regulatory Flexibility Certification
V. Regulatory Analysis
VI. Backfitting and Issue Finality
VII. Plain Writing
VIII. National Environmental Policy Act
IX. Paperwork Reduction Act
Public Protection Notification
X. Voluntary Consensus Standards
XI. Availability of Guidance
XII. Public Meeting
XIII. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0031 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–2020–0031.
- *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 or 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in the ''Availability of Documents'' section of 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.

B. Submitting Comments

The NRC encourages electronic submission of comments through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0031 in your comment.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment. The NRC will post all comments at *https://www.regulations.gov* as well as enter the comments into ADAMS. The NRC does not routinely edit comments 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 comments. Your request should state that the NRC does not routinely edit comments to remove such information before making the comments available to the public or entering the comments into ADAMS.

II. Background; Statutory Authority

The NRC's fee regulations are primarily governed by two laws: (1) The Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701), and (2) the Nuclear Energy Innovation and Modernization Act (NEIMA) (42 U.S.C. 2215). The IOAA authorizes and encourages Federal agencies to recover, to the fullest extent possible, costs attributable to services provided to identifiable recipients. Under NEIMA, the NRC must recover, to the maximum extent practicable, approximately 100 percent of its annual budget, less the budget authority for excluded activities. Under Section 102(b)(1)(B) of NEIMA, ''excluded activities'' include any fee-relief activity as identified by the Commission, generic homeland security activities, waste incidental to reprocessing activities, Nuclear Waste Fund activities, advanced reactor regulatory infrastructure activities, Inspector General services for the Defense Nuclear Facilities Safety Board, research and development at universities in areas relevant to the NRC's mission, and a nuclear science and engineering grant program.

In fiscal year (FY) 2022, the fee-relief activities identified by the Commission are consistent with prior fee rules and include Agreement State oversight, regulatory support to Agreement States, medical isotope production infrastructure, fee exemptions for non-profit educational institutions, costs not recovered from small entities under § 171.16(c) of title 10 of the *Code of Federal Regulations* (10 CFR), generic decommissioning/reclamation activities, the NRC's uranium recovery program and unregistered general licenses, potential U.S. Department of Defense Program Memorandum of Understanding activities (Military Radium-226), and non-military radium sites. In addition, the resources for import and export licensing are identified as a fee-relief activity to be excluded from the fee-recovery requirement.

Under NEIMA, the NRC must use its IOAA authority first to collect service fees for NRC work that provides specific benefits to identifiable recipients (such as licensing work, inspections, and special projects). The NRC's regulations in 10 CFR part 170, ''Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, as Amended,'' explain how the agency collects service fees from specific beneficiaries. Because the NRC's fee recovery under the IOAA (10 CFR part 170) will not equal 100 percent of the agency's total budget authority for the fiscal year (less the budget authority for excluded activities), the NRC also assesses ''annual fees'' under 10 CFR part 171, ''Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC,'' to recover the remaining amount necessary to comply with NEIMA.

III. Discussion

FY 2022 Fee Collection—Overview

The NRC is issuing this FY 2022 proposed fee rule based on the FY 2022 budget request as further described in the NRC's FY 2022 Congressional Budget Justification (CBJ) (NUREG–1100, Volume 37) because a full-year appropriation has not yet been enacted for FY 2022. The amount used for total budget authority in this proposed rule is $887.7 million, an increase of $43.3 million from FY 2021. As explained previously, certain portions of the NRC's total budget authority for the fiscal year are excluded from NEIMA's fee-recovery requirement under Section 102(b)(1)(B) of NEIMA. Based on the FY 2022 budget request, these exclusions total $131.0 million, an increase of $8.0 million from FY 2021. These excluded activities consist of $91.5 million for fee-relief activities, $23.1 million for advanced reactor regulatory infrastructure activities, $14.3 million for generic homeland security activities, $1.0 million for waste incidental to reprocessing activities, and $1.1 million for Inspector General services for the Defense Nuclear Facilities Safety Board. Table I summarizes the excluded activities for the FY 2022 proposed fee rule. The FY 2021 amounts are provided for comparison purposes.

TABLE I—EXCLUDED ACTIVITIES

(Dollars in millions)

	FY 2021 final rule	FY 2022 proposed rule
Fee-Relief Activities:		
International activities	24.7	25.5
Agreement State oversight	10.4	11.1
Medical isotope production infrastructure	7.0	3.7
Fee exemption for nonprofit educational institutions	9.3	11.6
Costs not recovered from small entities under 10 CFR 171.16(c)	7.8	7.4
Regulatory support to Agreement States	12.3	12.1
Generic decommissioning/reclamation activities (not related to the operating power reactors and spent fuel storage fee classes)	14.9	15.9
Uranium recovery program and unregistered general licensees	3.7	3.0
Potential Department of Defense remediation program Memorandum of Understanding activities	1.0	0.9
Non-military radium sites	0.2	0.3
Subtotal Fee-Relief Activities	91.2	91.5
Activities under Section 102(b)(1)(B)(ii) of NEIMA (Generic Homeland Security activities, Waste Incidental to Reprocessing activities, and the Defense Nuclear Facilities Safety Board)	14.1	16.4
Advanced reactor regulatory infrastructure activities	17.7	23.1
Total Excluded Activities	123.0	131.0

After accounting for the exclusions from the fee-recovery requirement and net billing adjustments (*i.e.,* for FY 2022 invoices that the NRC estimates will not be paid during the fiscal year, less payments received in FY 2022 for prior year invoices), the NRC must recover approximately $752.2 million in fees in FY 2022. Of this amount, the NRC

estimates that $188.9 million will be recovered through 10 CFR part 170 service fees and approximately $563.3 million will be recovered through 10 CFR part 171 annual fees. Table II summarizes the fee-recovery amounts for the FY 2022 proposed fee rule using the budget request and takes into account the budget authority for excluded activities and net billing adjustments. For all information presented in the following tables, individual values may not sum to totals due to rounding. Please see the work papers, available as indicated in the ''Availability of Documents'' section of this document, for actual amounts.

In FY 2021, the explanatory statement associated with the Consolidated Appropriations Act, 2021, included direction for the NRC to use $35.0 million in prior-year unobligated carryover funds, including $16.0 million for the University Nuclear Leadership Program. Since a full-year appropriation has not yet been enacted, the FY 2022 proposed fee rule is based on the FY 2022 budget request. Therefore, this proposed fee rule does not account for the utilization of carryover funds. The FY 2021 amounts are provided for comparison purposes.

TABLE II—BUDGET AND FEE RECOVERY AMOUNTS

(Dollars in millions)

	FY 2021 Final rule	FY 2022 Proposed rule
Total Budget Authority	$844.4	$887.7
Less Budget Authority for Excluded Activities:	−123.0	−131.0
Balance	721.4	756.7
Fee Recovery Percent	100	100
Total Amount to be Recovered:	721.4	756.7
Less Estimated Amount to be Recovered through 10 CFR Part 170 Fees	−190.6	−188.9
Estimated Amount to be Recovered through 10 CFR Part 171 Fees	530.8	567.8
10 CFR Part 171 Billing Adjustments:		
Unpaid Current Year Invoices (estimated)	2.1	2.0
Less Current Year Collections from a Terminated Reactor—Indian Point Nuclear Generating, Unit 2 in FY 2020 and Indian Point Nuclear Generating, Unit 3 in FY 2021	−2.7	N/A
Less Payments Received in Current Year for Previous Year Invoices (estimated)	−12.8	−6.5
Adjusted Amount to be Recovered through 10 CFR parts 170 and 171 Fees	708.0	752.2
Adjusted 10 CFR part 171 Annual Fee Collections Required	517.4	563.3

FY 2022 Fee Collection—Professional Hourly Rate

The NRC uses a professional hourly rate to assess fees under 10 CFR part 170 for specific services it provides. The professional hourly rate also helps determine flat fees (which are used for the review of certain types of license applications). This rate is applicable to all activities for which fees are assessed under §§ 170.21 and 170.31.

The NRC's professional hourly rate is derived by adding budgeted resources for (1) mission-direct program salaries and benefits, (2) mission-indirect program support, and (3) agency support (corporate support and the Inspector General). The NRC then subtracts certain offsetting receipts and divides this total by the mission-direct full-time equivalent (FTE) converted to hours (the mission-direct FTE converted to hours is the product of the mission-direct FTE multiplied by the estimated annual mission-direct FTE productive hours). The only budgeted resources excluded from the professional hourly rate are those for mission-direct contract resources, which are generally billed to licensees separately. The following shows the professional hourly rate calculation:

$$\text{Professional Hourly Rate} = \frac{\text{Budgeted Resources}}{\text{Mission-Direct FTE Converted to Hours}} = \frac{\$743.4 \text{ million}}{1{,}694 \times 1{,}510} = \$291$$

For FY 2022, the NRC is proposing to increase the professional hourly rate from $288 to $291. The 0.9 percent increase in the professional hourly rate is primarily due to a 1.5 percent increase in budgetary resources of approximately $11.2 million. The increase in budgetary resources is, in turn, primarily due to an increase in salaries and benefits to support Federal pay raises for NRC employees. The anticipated increase in the number of mission-direct FTE compared to FY 2021 is an offset to the increase in the professional hourly rate. The number of mission-direct FTE is expected to increase by 10, primarily to support new reactor licensing activities, including the review of design certifications, pre-application activities, and the review of combined license (COL) applications.

The FY 2022 estimate for annual mission-direct FTE productive hours is 1,510 hours, which is unchanged from FY 2021. This estimate, also referred to as the productive hours assumption, reflects the average number of hours that a mission-direct employee spends on mission-direct work in a given year. This estimate, therefore, excludes hours charged to annual leave, sick leave, holidays, training, and general administrative tasks. Table III shows the professional hourly rate calculation methodology. The FY 2021 amounts are provided for comparison purposes.

TABLE III—PROFESSIONAL HOURLY RATE CALCULATION

[Dollars in millions, except as noted]

	FY 2021 final rule	FY 2022 proposed rule
Mission-Direct Program Salaries & Benefits	$335.3	$348.9
Mission-Indirect Program Support	$113.2	$115.6
Agency Support (Corporate Support and the IG)	$283.7	$278.9
Subtotal	$732.2	$743.4
Less Offsetting Receipts [1]	$0.0	$0.0
Total Budgeted Resources Included in Professional Hourly Rate	$732.2	$743.4
Mission-Direct FTE (Whole numbers)	1,684	1,694
Annual Mission-Direct FTE Productive Hours (Whole numbers)	1,510	1,510
Mission-Direct FTE Converted to Hours (Mission-Direct FTE multiplied by Annual Mission-Direct FTE Productive Hours)	2,542,840	2,557,940
Professional Hourly Rate (Total Budgeted Resources Included in Professional Hourly Rate Divided by Mission-Direct FTE Converted to Hours) (Whole Numbers)	$288	$291

FY 2022 Fee Collection—Flat Application Fee Changes

The NRC proposes to amend the flat application fees it charges in its schedule of fees in §§ 170.21 and 170.31 to reflect the revised professional hourly rate of $291. The NRC charges these fees to applicants for materials licenses and other regulatory services, as well as to holders of materials licenses. The NRC calculates these flat fees by multiplying the average professional staff hours needed to process the licensing actions by the professional hourly rate for FY 2022. As part of its calculations, the NRC analyzes the actual hours spent performing licensing actions and estimates the five-year average of professional staff hours that are needed to process licensing actions as part of its biennial review of fees. These actions are required by Section 205(a) of the Chief Financial Officers Act of 1990 (31 U.S.C. 902(a)(8)). The NRC performed this review in FY 2021 and will perform this review again in FY 2023. The higher professional hourly rate of $291 is the primary reason for the increase in flat application fees (see the work papers).

In order to simplify billing, the NRC rounds these flat fees to a minimal degree. Specifically, the NRC rounds these flat fees (up or down) in such a way that ensures both convenience for its stakeholders and minimal effects due to rounding. Accordingly, fees under $1,000 are rounded to the nearest $10, fees between $1,000 and $100,000 are rounded to the nearest $100, and fees greater than $100,000 are rounded to the nearest $1,000.

The flat fees are applicable for certain materials licensing actions (see fee categories 1.C. through 1.D., 2.B. through 2.F., 3.A. through 3.S., 4.B. through 5.A., 6.A. through 9.D., 10.B., 15.A. through 15.L., 15.R., and 16 of § 170.31). Applications filed on or after the effective date of the FY 2022 final fee rule will be subject to the revised fees in the final rule.

In accordance with NEIMA, in FY 2022, the NRC identified international activities, including the resources for import and export licensing activities, as a fee-relief activity to be excluded from the fee-recoverable budget. The FY 2021 final fee rule, published in the **Federal Register** (86 FR 32146; June 16, 2021), provided for fees to be charged for import and export licensing actions, consistent with the FY 2021 budget request. However, charging fees under 10 CFR part 170 for import and export licensing actions during the effective dates of the FY 2021 final fee rule would be inconsistent with the Commission's substantive fee policy decision in the FY 2022 budget request and would result in the NRC imposing fees for import and export licensing actions for only one FY between FY 2018 and FY 2022. This would not be fair and equitable and could also lead to confusion for the affected import and export license applicants/licensees. Therefore, in light of the particular facts and unique history associated with this matter, on August 20, 2021, the Chief Financial Officer concluded that it would be in the public interest to grant an exemption from the provisions in the FY 2021 final fee rule (in §§ 170.21 and 170.31) that would require fees for import and export licensing actions in accordance with § 170.11(b). In accordance with the Commission's substantive fee policy decision for FY 2022, fees will not be assessed for import and exporting licensing activities (see fee categories K.1. through K.5. of § 170.21 and fee categories 15.A. through 15.R. of § 170.31) under this proposed rule.

FY 2022 Fee Collection—Low-Level Waste Surcharge

As in prior years, the NRC proposes to assess a generic low-level waste (LLW) surcharge of $4.3 million. Disposal of LLW occurs at commercially operated LLW disposal facilities that are licensed by either the NRC or an Agreement State. Four existing LLW disposal facilities in the United States accept various types of LLW. All are located in Agreement States and, therefore, are regulated by an Agreement State, rather than the NRC. The NRC proposes to allocate this surcharge to its licensees based on data available in the U.S. Department of Energy's (DOE) Manifest Information Management System. This database contains information on total LLW volumes disposed of by four generator classes: Academic, industrial, medical, and utility. The ratio of waste volumes disposed of by these generator classes to total LLW volumes disposed over a period of time is used to estimate the portion of this surcharge that will be allocated to the power reactors, fuel facilities, and the materials users fee classes. The materials users fee class portion is adjusted to account for the large percentage of materials licensees

[1] The fees collected by the NRC for Freedom of Information Act (FOIA) services and indemnity fees (financial protection required of all licensees for public liability claims at 10 CFR part 140) are subtracted from the budgeted resources amount when calculating the 10 CFR part 170 professional hourly rate, per the guidance in the Office of Management and Budget (OMB) Circular A–25, *User Charges.* The budgeted resources for FOIA activities are allocated under the product for Information Services within the Corporate Support business line. The budgeted resources for indemnity activities are allocated under the Licensing Actions and Research and Test Reactors products within the Operating Reactors business line.

that are licensed by the Agreement States rather than the NRC.

Table IV shows the allocation of the LLW surcharge and its allocation across the various fee classes.

TABLE IV—ALLOCATION OF LLW SURCHARGE FY 2022

[Dollars in millions]

Fee classes	LLW surcharge	
	Percent	$
Operating Power Reactors	87.5	3.7
Spent Fuel Storage/Reactor Decommissioning	0.0	0.0
Non-Power Production or Utilization Facilities	0.0	0.0
Fuel Facilities	9.9	0.4
Materials Users	2.6	0.1
Transportation	0.0	0.0
Rare Earth Facilities	0.0	0.0
Uranium Recovery	0.0	0.0
Total	100.0	4.3

FY 2022 Fee Collection—Revised Annual Fees

In accordance with SECY–05–0164, ''Annual Fee Calculation Method,'' the NRC rebaselines its annual fees every year. ''Rebaselining'' entails analyzing the budget in detail and then allocating the FY 2022 budgeted resources to various classes or subclasses of licensees. It also includes updating the number of NRC licensees in its fee calculation methodology.

The NRC is proposing revisions to its annual fees in §§ 171.15 and 171.16 to recover approximately 100 percent of the NRC's FY 2022 budget request (less the budget authority for excluded activities and the estimated amount to be recovered through 10 CFR part 170 fees). The total estimated 10 CFR part 170 collections for this proposed rule are $188.9 million, which is a decrease of $1.6 million from the FY 2021 final rule. The NRC, therefore, must recover $563.3 million through annual fees from its licensees, which is an increase of $43.1 million from the FY 2021 final rule.

Table V shows the proposed rebaselined fees for FY 2022 for a sample of licensee categories. The FY 2021 amounts are provided for comparison purposes.

TABLE V—REBASELINED ANNUAL FEES

[Actual dollars]

Class/category of licenses	FY 2021 final annual fee	FY 2022 proposed annual fee
Operating Power Reactors	$4,749,000	$5,165,000
+ Spent Fuel Storage/Reactor Decommissioning	237,000	254,000
Total, Combined Fee	4,986,000	5,419,000
Spent Fuel Storage/Reactor Decommissioning	237,000	254,000
Non-Power Production or Utilization Facilities	80,000	93,000
High Enriched Uranium Fuel Facility (Category 1.A.(1)(a))	4,643,000	4,441,000
Low Enriched Uranium Fuel Facility (Category 1.A.(1)(b))	1,573,000	1,505,000
Uranium Enrichment (Category 1.E)	2,023,000	1,935,000
UF6 Conversion and Deconversion Facility (Category 2.A.(1)	467,000	447,000
Basic *In Situ* Recovery Facilities (Category 2.A.(2)(b))	47,200	47,000
Typical Users:		
Radiographers (Category 3O)	29,100	29,700
All Other Specific Byproduct Material Licensees (Category 3P)	9,900	9,900
Medical Other (Category 7C)	16,800	17,000
Device/Product Safety Evaluation—Broad (Category 9A)	17,900	18,200

The work papers that support this proposed rule show in detail how the NRC allocates the budgeted resources for each class of licensees and calculates the fees.

Paragraphs a. through h. of this section describe the budgeted resources allocated to each class of licensees and the calculations of the rebaselined fees. For more information about detailed fee calculations for each class, please consult the accompanying work papers for this proposed rule.

a. Operating Power Reactors

The NRC proposes to collect $485.5 million in annual fees from the operating power reactors fee class in FY 2022, as shown in Table VI. The FY 2021 operating power reactors fees are shown for comparison purposes.

TABLE VI—ANNUAL FEE SUMMARY CALCULATIONS FOR OPERATING POWER REACTORS

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$611.8	$645.1
Less estimated 10 CFR part 170 receipts	−161.6	−160.0
Net 10 CFR part 171 resources	450.2	485.1
Allocated generic transportation	0.3	0.5
Allocated LLW surcharge	2.9	3.7
Billing adjustment	−9.1	−3.9
Adjustment: Estimated current year collections from a terminated reactor (Indian Point Generating, Unit 3 in FY 2021)	−2.7	N/A
Total required annual fee recovery	441.7	485.5
Total operating reactors	93	94
Annual fee per operating reactor	$4.749	$5.165

In comparison to FY 2021, the FY 2022 proposed annual fee for the operating power reactors fee class is increasing primarily due to the following: (1) An increase in budgeted resources; (2) a reduction of the 10 CFR part 171 billing adjustment; (3) the absence of the collection adjustment that was provided in FY 2021 due to the shutdown of Indian Point Generating, Unit 3; and (4) a decrease in 10 CFR part 170 estimated billings. The increase in the annual fee for the operating power reactors fee class is partially offset due to the increase in the total number of operating power reactors from 93 to 94. These components are discussed in the following paragraphs.

The budgeted resources for the operating power reactors fee class increased primarily due to the following: (1) An increase in contract funding in the information technology program to support the Mission Analytics Portal (a tool to enhance the agency's ability to leverage data to support mission activities), to develop infrastructure to increase analytics capabilities using artificial intelligence, and to develop mobile applications for resident inspectors; (2) an increase in certain contract costs in the areas of research, event response, and licensing due to the absence of authorized prior year unobligated carryover funding compared to FY 2021; (3) to support new reactor licensing activities for the review of the Westinghouse eVinci micro reactor design certification, the review of the NuScale Power, LLC standard design approval application, and pre-application activities for three non-light water reactors and COL applications; and (4) security-related pre-application activities for the Utah Associated Municipal Power Systems application. These new reactor resources are offset by a decrease in oversight resulting from the anticipated transition of Vogtle Electric Generating Plant, Units 3 and 4 (Vogtle Units 3 and 4), from construction into operation.

The proposed annual fee is also increasing due to the following contributing factors: (1) A lower 10 CFR part 171 billing adjustment credit than was included in the operating power reactors fee class calculation in FY 2021 from the deferral of annual fees and service fees due to the coronavirus disease (COVID–19) pandemic; and (2) the absence of the one-time current year collection adjustment that resulted in a credit of $2,700,000 due to the shutdown of Indian Point Nuclear Generating, Unit 3, in FY 2021.

Furthermore, the proposed annual fee for the operating power reactors fee class is increasing due to a decrease in the 10 CFR part 170 estimated billings as a result of the following: (1) The NRC's denial of the Oklo Power, LLC COL application to build and operate the Aurora compact fast reactor and (2) a decrease in hours associated with operator reactor licensing activities. The decrease in 10 CFR part 170 estimated billings is offset by an increase in work due to the following: (1) An anticipated rise in in-person inspections and travel as COVID–19 impacts become less prominent; (2) an increase in operating reactors license renewal applications; and (3) licensing activities to support the planned reviews of new power reactor designs.

The fee-recoverable budgeted resources are divided equally among the 94 licensed operating power reactors, an increase of one operating power reactor compared to FY 2021 due to the proposed assessment of annual fees for Vogtle Unit 3, resulting in an annual fee of $5,165,000 per reactor. Additionally, each licensed operating power reactor will be assessed the FY 2022 spent fuel storage/reactor decommissioning annual fee of $254,000 (see Table VII and the discussion that follows). The combined FY 2022 proposed annual fee for each operating power reactor is $5,419,000.

Section 102(b)(3)(B)(i) of NEIMA established a new cap for the annual fees charged to operating reactor licensees; under this provision, the annual fee for an operating reactor licensee, to the maximum extent practicable, shall not exceed the annual fee amount per operating reactor licensee established in the FY 2015 final fee rule (80 FR 37432; June 30, 2015), adjusted for inflation. The NRC included an estimate of the operating power reactors annual fee in Appendix C, ''Estimated Operating Power Reactors Annual Fee,'' of the FY 2022 budget request, with the intent to increase transparency with stakeholders. The NRC developed this estimate based on the staff's allocation of the FY 2022 budget request to fee classes under 10 CFR part 170, and allocations within the operating power reactors fee class under 10 CFR part 171. In addition, the estimated annual fee assumed 94 operating power reactors in FY 2022 and applied various data assumptions from the FY 2021 final fee rule (86 FR 32146; June 16, 2021). Based on these allocations and assumptions, the operating power reactor annual fee included in the FY 2022 budget request was estimated to be $4.8 million, approximately $0.6 million below the FY 2015 operating power reactors annual fee amount adjusted for inflation of $5.5 million. Although the FY 2022 budget request included the estimated operating power reactors annual fee, the assumptions made between budget formulation and the development of the FY 2022 proposed rule have changed; however, the FY 2022 proposed annual fee of $5,165,000 remains below the FY

2015 operating power reactors annual fee amount adjusted for inflation.

In FY 2016, the NRC amended its licensing, inspection, and annual fee regulations to establish a variable annual fee structure for light-water small modular reactors (SMRs) (81 FR 32617). Under the variable annual fee structure, an SMR annual fee would be assessed as a function of its bundled licensed thermal power rating. Currently, there are no operating SMRs; therefore, the NRC will not assess an annual fee in FY 2022 for this type of licensee.

b. Spent Fuel Storage/Reactor Decommissioning

The NRC proposes to collect $31.3 million in annual fees from 10 CFR part 50 power reactor licensees, and from 10 CFR part 72 licensees that do not hold a 10 CFR part 50 license, to recover the budgeted resources for the spent fuel storage/reactor decommissioning fee class in FY 2022, as shown in Table VII. The FY 2021 spent fuel storage/reactor decommissioning fees are shown for comparison purposes.

TABLE VII—ANNUAL FEE SUMMARY CALCULATIONS FOR SPENT FUEL STORAGE/REACTOR DECOMMISSIONING

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$42.2	$40.4
Less estimated 10 CFR part 170 receipts	−13.8	−10.3
Net 10 CFR part 171 resources	28.4	30.2
Allocated generic transportation costs	1.1	1.4
Billing adjustments	−0.6	−0.3
Total required annual fee recovery	28.9	31.3
Total spent fuel storage facilities	122	123
Annual fee per facility	0.237	0.254

In comparison to FY 2021, the FY 2022 proposed annual fee for the spent fuel storage/reactor decommissioning fee class is increasing primarily due to the following: (1) The decline in the 10 CFR part 170 estimated billings and (2) a reduction of the 10 CFR part 171 billing adjustment. The increase in the proposed annual fee is partially offset by a decrease in the budgeted resources. These components are discussed in the following paragraphs.

The 10 CFR part 170 estimated billings for the spent fuel storage/reactor decommissioning fee class decreased primarily due to the following: (1) A reduction in hours and contract support associated with the staff's review of applications for renewals and amendments for independent spent fuel storage installation (ISFSI) licenses and dry cask storage certificates of compliance (CoCs); (2) the completion of the review of the Interim Storage Partners consolidated interim storage facility application and issuance of the license; and (3) the near completion of the staff's review of the Holtec HI–STORE consolidated interim storage facility application. This decrease in the 10 CFR part 170 estimated billings is partially offset by increased work, including the following: (1) Inspection activities, exemption requests, and financial assurance reviews for ISFSI licenses and dry cask storage CoCs; (2) the staff's review of a new fuel storage system; and (3) activities within the power reactor decommissioning program to support Indian Point Generating Unit 2's transition to decommissioning, the staff's review of a license transfer application for Kewaunee, and an increase in contract support for license termination plan activities, cooling tower demo surveys, and confirmatory surveys.

The increase in the annual fee is also due to a lower 10 CFR part 171 billing adjustment credit than was included in the spent fuel storage/reactor decommissioning fee class calculation in FY 2021 from the deferral of annual fees and service fees due to the COVID–19 pandemic.

The increase in the annual fee for the spent fuel storage/reactor decommissioning fee class is partially offset by a decline in budgeted resources with changes in workload primarily due to the completion of the license application reviews for the consolidated interim storage facilities and renewals for other ISFSIs. The decrease in the budgeted resources is offset by an increase in contract costs due to the absence of prior year unobligated carryover funding compared to FY 2021.

The required annual fee recovery amount is divided equally among 123 licensees, resulting in a FY 2022 annual fee of $254,000 per licensee.

c. Fuel Facilities

The NRC proposes to collect $16.8 million in annual fees from the fuel facilities fee class in FY 2022, as shown in Table VIII. The FY 2021 fuel facilities fees are shown for comparison purposes.

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$23.3	$22.4
Less estimated 10 CFR part 170 receipts	−7.3	−7.8
Net 10 CFR part 171 resources	16.0	14.6
Allocated generic transportation	1.5	1.9
Allocated LLW surcharge	0.3	0.4

TABLE VIII—ANNUAL FEE SUMMARY CALCULATIONS FOR FUEL FACILITIES—Continued

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Billing adjustments	−0.4	−0.2
Total remaining required annual fee recovery	17.5	16.8

In comparison to FY 2021, the FY 2022 proposed annual fee for the fuel facilities fee class is decreasing primarily due to the decrease in budgeted resources and the increase in 10 CFR part 170 estimated billings as discussed in the following paragraphs.

The budgeted resources for the fuel facilities fee class decreased primarily due to the following: (1) Efficiencies gained as a result of implemented enhancements to the licensing program and 2) enhancements made to the fuel facility oversight program through the implementation of the smarter inspection program.

The 10 CFR part 170 estimated billings increased as a result of the following: (1) The review of a new fuel facility license application, including the environmental review, for TRISO–X and (2) the staff's continued review of the Westinghouse Electric Company, LLC license renewal application.

The NRC will continue allocating annual fees to individual fuel facility licensees based on the effort/fee determination matrix developed in the FY 1999 final fee rule (64 FR 31447; June 10, 1999). To briefly recap, the matrix groups licensees within this fee class into various fee categories. The matrix lists processes that are conducted at licensed sites and assigns effort factors for the safety and safeguards activities associated with each process (these effort levels are reflected in Table IX). The annual fees are then distributed across the fee class based on the regulatory effort assigned by the matrix. The effort factors in the matrix represent regulatory effort that is not recovered through 10 CFR part 170 fees (*e.g.,* rulemaking, guidance). Regulatory effort for activities that are subject to 10 CFR part 170 fees, such as the number of inspections, is not applicable to the effort factor.

TABLE IX—EFFORT FACTORS FOR FUEL FACILITIES, FY 2022

Facility type (fee category)	Number of facilities	Effort factors	
		Safety	Safeguards
High-Enriched Uranium Fuel (1.A.(1)(a))	2	88	91
Low-Enriched Uranium Fuel (1.A.(1)(b))	3	70	21
Limited Operations (1.A.(2)(a))	1	3	17
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	0	0	0
Hot Cell (and others) (1.A.(2)(c))	0	0	0
Uranium Enrichment (1.E.)	1	16	23
UF_6 Conversion and Deconversion (2.A.(1))	1	7	2

In FY 2022, the total remaining amount of the proposed annual fees to be recovered, $16.8 million, is attributable to safety activities, safeguards activities, and the LLW surcharge. For FY 2022, the total budgeted resources proposed to be recovered as annual fees for safety activities are $8.9 million. To calculate the annual fee, the NRC allocates this amount to each fee category based on its percentage of the total regulatory effort for safety activities. Similarly, the NRC allocates the budgeted resources to be recovered as annual fees for safeguards activities, $7.5 million, to each fee category based on its percentage of the total regulatory effort for safeguards activities. Finally, the fuel facilities fee class portion of the LLW surcharge—$0.4 million—is allocated to each fee category based on its percentage of the total regulatory effort for both safety and safeguards activities. The proposed annual fee per licensee is then calculated by dividing the total allocated budgeted resources for the fee category by the number of licensees in that fee category. The proposed annual fee for each facility is summarized in Table X.

TABLE X—ANNUAL FEES FOR FUEL FACILITIES

[Actual dollars]

Facility type (fee category)	FY 2021 final annual fee	FY 2022 proposed annual fee
High-Enriched Uranium Fuel (1.A.(1)(a))	$4,643,000	$4,441,000
Low-Enriched Uranium Fuel (1.A.(1)(b))	1,573,000	1,505,000
Facilities with limited operations (1.A.(2)(a))	1,037,000	992,000
Gas Centrifuge Enrichment Demonstration (1.A.(2)(b))	N/A	N/A
Hot Cell (and others) (1.A.(2)(c))	N/A	N/A
Uranium Enrichment (1.E.)	2,023,000	1,935,000
UF_6 Conversion and Deconversion (2.A.(1))	467,000	447,000

d. Uranium Recovery Facilities

The NRC proposes to collect $0.2 million in annual fees from the uranium recovery facilities fee class in FY 2022, as shown in Table XI. The FY 2021 uranium recovery facilities fees are shown for comparison purposes.

TABLE XI—ANNUAL FEE SUMMARY CALCULATIONS FOR URANIUM RECOVERY FACILITIES

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$0.5	$0.7
Less estimated 10 CFR part 170 receipts	−0.3	−0.5
Net 10 CFR part 171 resources	0.2	0.2
Allocated generic transportation	N/A	N/A
Billing adjustments	0.0	0.0
Total required annual fee recovery	0.2	0.2

In comparison to FY 2021, the FY 2022 proposed annual fee for the non-DOE licensee in the uranium recovery facilities fee class is decreasing slightly due to an increase in 10 CFR part 170 estimated billings to support an increase in casework for Crow Butte Resources, Inc. related to its license renewal and to support a dam safety inspection.

The NRC regulates DOE's Title I and Title II activities under the Uranium Mill Tailings Radiation Control Act (UMTRCA).[2] The annual fee assessed to DOE includes the resources specifically budgeted for the NRC's UMTRCA Title I and II activities, as well as 10 percent of the remaining budgeted resources for this fee class. The NRC described the overall methodology for determining fees for UMTRCA in the FY 2002 fee rule (67 FR 42625; June 24, 2002), and the NRC continues to use this methodology. The DOE's UMTRCA proposed annual fee is increasing compared to FY 2021 due to an increase in budgetary resources attributed to generic work that staff will be performing to resolve issues associated with the transfer of NRC and Agreement State uranium mill tailings sites to the DOE for long-term surveillance and maintenance. The increase in the annual fee is offset by an increase in the 10 CFR part 170 estimated billings for the anticipated workload increases at various DOE UMTRCA sites. The NRC assesses the remaining 90 percent of its budgeted resources to the remaining licensee in this fee class, as described in the work papers, which is reflected in Table XII.

TABLE XII—COSTS RECOVERED THROUGH ANNUAL FEES; URANIUM RECOVERY FACILITIES FEE CLASS

[Actual dollars]

Summary of costs	FY 2021 final annual fee	FY 2022 proposed annual fee
DOE Annual Fee Amount (UMTRCA Title I and Title II) General Licenses:		
UMTRCA Title I and Title II budgeted resources less 10 CFR part 170 receipts	$111,536	$170,294
10 percent of generic/other uranium recovery budgeted resources	5,241	5,222
10 percent of uranium recovery fee-relief adjustment	N/A	N/A
Total Annual Fee Amount for DOE (rounded)	117,000	176,000
Annual Fee Amount for Other Uranium Recovery Licenses:		
90 percent of generic/other uranium recovery budgeted resources less the amounts specifically budgeted for UMTRCA Title I and Title II activities	47,166	46,994
90 percent of uranium recovery fee-relief adjustment	N/A	N/A
Total Annual Fee Amount for Other Uranium Recovery Licenses	47,166	46,994

Further, for any non-DOE licensees, the NRC will continue using a matrix to determine the effort levels associated with conducting generic regulatory actions for the different licensees in the uranium recovery facilities fee class; this is similar to the NRC's approach for fuel facilities, described previously. The matrix methodology for uranium recovery licensees first identifies the licensee categories included within this fee class (excluding DOE). These categories are: Conventional uranium mills and heap leach facilities, uranium *in situ* recovery (ISR) and resin ISR facilities, and mill tailings disposal facilities. The matrix identifies the types of operating activities that support and benefit these licensees, along with each activity's relative weight (see the work papers). Currently, there is only one remaining non-DOE licensee, which is a basic *in situ* recovery facility. Table XIII displays the benefit factors for the non-DOE licensee in that fee category.

[2] Congress established the two programs, Title I and Title II, under UMTRCA to protect the public and the environment from hazards associated with uranium milling. The UMTRCA Title I program is for remedial action at abandoned mill tailings sites where tailings resulted largely from production of uranium for weapons programs. The NRC also regulates DOE's UMTRCA Title II program, which is directed toward uranium mill sites licensed by the NRC or Agreement States in or after 1978.

TABLE XIII—BENEFIT FACTORS FOR URANIUM RECOVERY LICENSES

Fee category	Number of licensees	Benefit factor per licensee	Total value	Benefit factor percent total
Conventional and Heap Leach mills (2.A.(2)(a))	0	0	0	0
Basic *In Situ* Recovery facilities (2.A.(2)(b))	1	190	190	100
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	0	0	0	0
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	0	0	0	0
Total	1	190	190	100

The FY 2022 proposed annual fee for the remaining non-DOE licensee is calculated by allocating 100 percent of the budgeted resources, as summarized in Table XIV.

TABLE XIV—ANNUAL FEES FOR URANIUM RECOVERY LICENSEES

[Other than DOE]

[Actual dollars]

Facility type (fee category)	FY 2021 final annual fee	FY 2022 proposed annual fee
Conventional and Heap Leach mills (2.A.(2)(a))	N/A	N/A
Basic *In Situ* Recovery facilities (2.A.(2)(b))	$47,200	$47,000
Expanded *In Situ* Recovery facilities (2.A.(2)(c))	N/A	N/A
Section 11e.(2) disposal incidental to existing tailings sites (2.A.(4))	N/A	N/A

e. Non-Power Production or Utilization Facilities

The NRC proposes to collect $0.279 million in annual fees from the non-power production or utilization facilities fee class in FY 2022, as shown in Table XV. The final FY 2021 non-power production or utilization facilities fees are shown for comparison purposes.

TABLE XV—ANNUAL FEE SUMMARY CALCULATIONS FOR NON-POWER PRODUCTION OR UTILIZATION FACILITIES

[Actual dollars]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$2,896,754	$6,079,694
Less estimated 10 CFR part 170 receipts	−2,576,000	−5,803,000
Net 10 CFR part 171 resources	320,754	276,694
Allocated generic transportation [3]	43,302	38,860
Billing adjustments [3]	−43,915	−36,633
Total required annual fee recovery	320,141	278,921
Total non-power production or utilization facilities licenses	4	3
Total annual fee per license (rounded)	$80,000	$93,000

In comparison to FY 2021, the FY 2022 proposed annual fee for the non-power production or utilization facilities fee class is increasing, primarily due to the decrease of non-power production or utilization facilities from four to three due to the expected transition of the Aerotest Radiography and Research Reactor to decommissioning.

In FY 2022, the budgetary resources for the non-power production or utilization facilities fee class are primarily increasing because of an increase in workload associated with medical isotope production facilities and advanced research and test reactors. In addition, the 10 CFR part 170 estimated billings with respect to the medical isotope production facilities and advanced research and test reactors are increasing primarily due to the following: (1) The staff's review of the operating license application for SHINE Medical Technologies, LLC and construction inspection activities; (2) the staff's review of the Kairos Power application for a permit to construct a test reactor; (3) pre-application meetings; and (4) the review of topical reports. The 10 CFR part 170 estimated billings associated with the current fleet of operating non-power production or utilization facilities licensees subject to annual fees are increasing to support the following: (1) Activities associated with

[3] In the FY 2021 final fee rule, the decimal places for the ''allocated generic transportation'' and ''billing adjustments'' calculations were adjusted to the thousandths place instead of the correct ten thousandths place. There was no impact to the overall calculation for the FY 2021 final fee rule. The revised dollar amounts for FY 2021 are shown here to align with the rest of Table XV and provide a clearer comparison to the FY 2022 proposed fees.

the review of the GE Nuclear Test Reactor license renewal application and amendments and (2) activities associated with the special team inspection and restart for the National Institute of Standards and Technology Neutron Reactor.

The annual fee-recovery amount is divided equally among the three non-power production or utilization facilities licensees subject to annual fees and results in an FY 2022 proposed annual fee of $93,000 for each licensee.

f. Rare Earth

The agency received an application for a rare earth facility in FY 2021. In FY 2022, the NRC has allocated approximately $0.2 million in budgeted resources to this fee class; however, because all the budgetary resources will be recovered through service fees assessed under 10 CFR part 170, the NRC is not proposing to assess and collect annual fees in FY 2022 for this fee class.

g. Materials Users

The NRC proposes to collect $35.0 million in annual fees from materials users licensed under 10 CFR parts 30, 40, and 70 in FY 2022, as shown in Table XVI. The FY 2021 materials users fees are shown for comparison purposes.

TABLE XVI—ANNUAL FEE SUMMARY CALCULATIONS FOR MATERIALS USERS

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources for licensees not regulated by Agreement States	$35.1	$34.1
Less estimated 10 CFR part 170 receipts	−1.0	−0.9
Net 10 CFR part 171 resources	34.1	33.2
Allocated generic transportation	1.5	1.8
LLW surcharge	0.1	0.1
Billing adjustments	−0.4	−0.2
Total required annual fee recovery	35.3	35.0

The formula for calculating 10 CFR part 171 annual fees for the various categories of materials users is described in detail in the work papers. Generally, the calculation results in a single annual fee that includes 10 CFR part 170 costs, such as amendments, renewals, inspections, and other licensing actions specific to individual fee categories.

The total annual fee recovery of $35.0 million for FY 2022 shown in Table XVI consists of $27.2 million for general costs, $7.7 million for inspection costs, and $0.1 million for LLW costs. To equitably and fairly allocate the $35.0 million required to be collected among approximately 2,460 diverse materials users licensees, the NRC continues to calculate the annual fees for each fee category within this class based on the 10 CFR part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the materials license, this approach provides a proxy for allocating the generic and other regulatory costs to the diverse fee categories. This fee calculation method also considers the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses.

In comparison to FY 2021, the FY 2022 proposed annual fees are increasing for 44 fee categories within the materials users fee class primarily due to the following: (1) An increase in the budgeted resources for inspections activities compared to the FY 2021 biennial review of inspection hours; (2) a decline in 10 CFR part 170 estimated billings; (3) an increase in generic transportation costs for materials users; and (4) a reduction of materials users licensees from FY 2021.

A constant multiplier is established to recover the total general costs (including allocated generic transportation costs) of $27.2 million. To derive the constant multiplier, the general cost amount is divided by the sum of all fee categories (application fee plus the inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in a constant multiplier of 1.0 for FY 2022. The average inspection cost is the average inspection hours for each fee category multiplied by the professional hourly rate of $291. The inspection priority is the interval between routine inspections, expressed in years. The inspection multiplier is established in order to recover the $7.7 million in inspection costs. To derive the inspection multiplier, the inspection costs amount is divided by the sum of all fee categories (inspection fee divided by inspection priority) then multiplied by the number of licensees. This calculation results in an inspection multiplier of 1.47 for FY 2022. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. Please see the work papers for more detail about this classification.

The proposed annual fee being assessed to each licensee also takes into account a share of approximately $0.11 million in LLW surcharge costs allocated to the materials users fee class (see Table IV, ''Allocation of LLW Surcharge, FY 2022,'' in Section III, ''Discussion,'' of this document). The proposed annual fee for each fee category is shown in the proposed revision to § 171.16(d).

h. Transportation

The NRC proposes to collect $1.7 million in annual fees to recover generic transportation budgeted resources in FY 2022, as shown in Table XVII. The FY 2021 fees are shown for comparison purposes.

TABLE XVII—ANNUAL FEE SUMMARY CALCULATIONS FOR TRANSPORTATION

[Dollars in millions]

Summary fee calculations	FY 2021 final rule	FY 2022 proposed rule
Total budgeted resources	$8.3	$10.2
Less estimated 10 CFR part 170 receipts	−2.3	−2.8
Net 10 CFR part 171 resources	5.9	7.3
Less generic transportation resources	−4.5	−5.7
Billing adjustments	−0.1	0.0
Total required annual fee recovery	1.4	1.7

In comparison to FY 2021, the FY 2022 proposed annual fee for the transportation fee class is increasing primarily due to an increase in the budgeted resources offset by: (1) An increase in the 10 CFR part 170 estimated billings and (2) generic transportation resources allocated to other fee classes as discussed in the following paragraphs.

In FY 2022, the budget resources increased primarily due to the following: (1) To support the staff's review of transportation package applications (including the reviews of accident tolerant fuels (ATF)); (2) to support research activities along with the development of technical bases for the review of transportation packages loaded with batch quantities of fresh ATF; and (3) an increase in certain contract costs due to the absence of prior year unobligated carryover funding compared to FY 2021.

The increase in the proposed annual fee is offset by an increase in 10 CFR part 170 estimated billings related to the review of new amendment packages and generic transportation resources allocated to respective fee classes due to an increase in the number of CoCs.

Consistent with the policy established in the NRC's FY 2006 final fee rule (71 FR 30721; May 30, 2006), the NRC recovers generic transportation costs unrelated to DOE by including those costs in the annual fees for licensee fee classes. The NRC continues to assess a separate annual fee under § 171.16, fee category 18.A., for DOE transportation activities. The amount of the allocated generic resources is calculated by multiplying the percentage of total CoCs used by each fee class (and DOE) by the total generic transportation resources to be recovered.

This resource distribution to the licensee fee classes and DOE is shown in Table XVIII. Note that for the non-power production or utilization facilities fee class, the NRC allocates the distribution to only those licensees that are subject to annual fees. Although five CoCs benefit the entire non-power production or utilization facilities fee class, only three out of 31 non-power production or utilization facilities licensees are subject to annual fees. Consequently, the number of CoCs used to determine the proportion of generic transportation resources allocated to annual fees for the non-power production or utilization facilities fee class has been adjusted to 0.5 so these licensees are charged a fair and equitable portion of the total fees (see the work papers).

TABLE XVIII—DISTRIBUTION OF TRANSPORTATION RESOURCES, FY 2022

[Dollars in millions]

Licensee fee class/DOE	Number of CoCs benefiting fee class or DOE	Percentage of total CoCs	Allocated generic transportation resources
Materials Users	23.0	25.1	$1.8
Operating Power Reactors	6.0	6.6	0.5
Spent Fuel Storage/Reactor Decommissioning	17.0	18.6	1.4
Non-Power Production or Utilization Facilities	0.5	0.5	0.0
Fuel Facilities	24.0	26.2	1.9
Sub-Total of Generic Transportation Resources	70.5	77.0	5.6
DOE	21.0	23.0	1.7
Total	91.5	100.0	7.3

The NRC assesses an annual fee to DOE based on the 10 CFR part 71 CoCs it holds. The NRC, therefore, does not allocate these DOE-related resources to other licensees' annual fees because these resources specifically support DOE.

FY 2022—Policy Changes

The NRC is not proposing any policy changes for FY 2022.

FY 2022—Administrative Changes

The NRC is proposing five administrative changes in FY 2022:

1. *Amend § 170.3, ''Definitions,'' by deleting the definition for the phrase review is completed and incorporating language from the definition into § 170.12(b)(3).*

The NRC proposes to amend § 170.3 by eliminating the definition for the phrase *review is completed* and incorporating language from the definition into § 170.12(b)(3). The definition is unnecessary in 10 CFR part 170 because this phrase is only referenced one time. This proposed

amendment would not impact the NRC's assessment of 10 CFR part 170 service fees.

2. *Amend § 170.11, ''Exemptions,'' by clarifying exemption requirements.*

The NRC proposes to amend paragraph (a)(1)(i) by replacing the word ''that'' with ''where the request/report,'' for consistency with the use of the latter phrase in the introductory text of paragraph (a)(1). In addition, the NRC proposes to amend paragraph (c) by replacing the word ''work'' with ''request/report'' for consistency with paragraph (a)(1) and to avoid any potential ambiguity about what is considered the ''work'' for purposes of the 90-day period in which the fee exemption must be submitted to the NRC's Chief Financial Officer.

The NRC also proposes to amend § 170.11(a)(1)(ii) by retaining the ''generic regulatory improvements'' clause in paragraph (a)(1)(ii) and moving ''Office Director level or above,'' to a new paragraph (a)(1)(iii). These changes would clarify that the Chief Financial Officer may grant an exemption when the review of a request/report, at the time it is submitted, would ''assist the NRC in generic regulatory improvements or efforts,'' even if there is no ''request from the Office Director level or above'' to resolve ''an identified safety, safeguards, or environmental issue.''

Finally, the NRC proposes to move paragraph (a)(13) on CFO communications to a new paragraph (d) because this is not an exemption category but rather a separate requirement applicable to all fee exemption requests under 10 CFR part 170.

These proposed amendments to § 170.11 would not change the NRC's fee exemption policy.

3. *Amend § 170.12(f), ''Method of payment,'' by clarifying the types of payments, updating the contact information for payments, and clarifying the payment method.*

The NRC proposes to amend paragraph (f) by replacing ''all license fees'' with ''all fee payments under 10 CFR part 170,'' for additional clarity. Currently, paragraph (f) states, in part, that all license fee payments are to be payable to the U.S. Nuclear Regulatory Commission. Since paragraph (f) applies to all fees and not only licensing fees, this proposed amendment would provide additional clarity for fee payments under 10 CFR part 170. In addition, the NRC proposes to further amend paragraph (f) by replacing ''License Fee and Accounts Receivable Branch'' with the ''Office of the Chief Financial Officer'' to remove reference to a specific branch because the Office of the Chief Financial Officer collects fees for the NRC. This proposed amendment would eliminate the need to revise the branch information after reorganizations or branch name changes. Finally, the NRC is proposing to revise paragraph (f) to clarify that fee payments can be made electronically using *www.Pay.gov* or manually using NRC Form 629, ''Authorization for Payment by Credit Card,'' which will align with the terms and conditions that are currently being updated to clarify the methods of payment.

4. *Add footnote 6 to the table in § 170.21, ''Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections, and import and export licenses,'' and footnote 12 to the table in § 170.31, ''Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.''*

The NRC proposes to add footnote 6 to the table in § 170.21 and footnote 12 to the table in § 170.31. In accordance with NEIMA, in FY 2022, the NRC identified international activities, including the resources for import and export licensing activities, as a fee-relief activity to be excluded from the fee-recoverable budget. Therefore, the NRC is not proposing to charge fees for import and export licensing actions.

5. *Add footnote 13 to the table in § 170.31 for clarity.*

The NRC proposes to add footnote 13 to the table in § 170.31 to clarify, with respect to 10 CFR part 170 fees, that licensees paying fees under 4.A., 4.B. or 4.C. in the table are not subject to paying fees under 3.N. The proposed footnote would be identical to footnote 21 to the table in § 171.16(d).

Update on the Fees Transformation Initiative

In the staff requirements memorandum, dated October 19, 2016, for SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' the Commission directed the staff to accelerate its process improvements for setting fees. In addition, the Commission directed the staff to begin the fees transformation activities listed in SECY–16–0097 as ''Process Changes Recommended for Future Consideration—FY 2018 and Beyond.'' The NRC has completed 39 of the 40 fees transformation activities.

The one fees transformation activity yet to be completed is the rulemaking to update the NRC's small business size standards in § 2.810, ''NRC size standards.'' The NRC published a proposed rule on July 26, 2021 (86 FR 39980) and provided a 30-day comment period, which closed August 25, 2021. The NRC proposed to increase the upper and lower tiers for its receipts-based small entity size standards for small businesses and small not-for-profit organizations. This change would allow the NRC's standards to remain consistent with the inflation adjustments made by the Small Business Administration size standard for nonmanufacturing concerns. In addition, in accordance with the Small Business Runway Extension Act of 2018, the NRC proposed changing the calculation of annual average receipts for the receipts-based NRC size standard for small businesses that provide a service or for small businesses not engaged in manufacturing from a 3-year averaging period to a 5-year averaging period. The NRC did not receive public comments on the proposed rule and is in the process of publishing the final rule. The NRC will include updates on this rulemaking activity in the FY 2022 final fee rule to ensure that affected licensees are adequately informed. The public can track all NRC rulemaking activities, including the rulemaking on the NRC's size standards, on the NRC's Rulemaking Tracking and Reporting system at *https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/RuleIndex.html,* or by Docket ID NRC–2014–0264 at *http://www.regulations.gov.*

For more information, see the fees transformation accomplishments schedule, located on the NRC's license fees website: *https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html.*

IV. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[4] the NRC has prepared a regulatory flexibility analysis related to this proposed rule. The regulatory flexibility analysis is available as indicated in the ''Availability of Documents'' section of this document.

V. Regulatory Analysis

Under NEIMA, the NRC is required to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2022 less the budget authority for excluded activities. The NRC established fee methodology guidelines for 10 CFR part 170 in 1978 and established additional fee methodology guidelines for 10 CFR part

[4] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Pulic Law 104–121, Title II, 110 Stat. 847 (1996).

171 in 1986. In subsequent rulemakings, the NRC has adjusted its fees without changing the underlying principles of its fee policy to ensure that the NRC continues to comply with the statutory requirements for cost recovery.

In this proposed rule, the NRC continues this longstanding approach. Therefore, the NRC did not identify any alternatives to the current fee structure guidelines and did not prepare a regulatory analysis for this proposed rule.

VI. Backfitting and Issue Finality

The NRC has determined that the backfit rule, § 50.109, does not apply to this proposed rule and that a backfit analysis is not required because these amendments do not require the modification of, or addition to, (1) systems, structures, components, or the design of a facility; (2) the design approval or manufacturing license for a facility; or (3) the procedures or organization required to design, construct, or operate a facility.

VII. Plain Writing

The Plain Writing Act of 2010 (Public Law 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC wrote this document to be consistent with the Plain Writing Act, as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on the clarity and effectiveness of the language used in this proposed rule.

VIII. National Environmental Policy Act

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

IX. Paperwork Reduction Act

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

Public Protection Notification

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

X. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC proposes to amend the licensing, inspection, and annual fees charged to its licensees and applicants, as necessary, to recover, to the maximum extent practicable, approximately 100 percent of its annual budget for FY 2022 less the budget authority for excluded activities, as required by NEIMA. This action does not constitute the establishment of a standard that contains generally applicable requirements.

XI. Availability of Guidance

The Small Business Regulatory Enforcement Fairness Act requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. The NRC, in compliance with the law, prepared the ''Small Entity Compliance Guide'' for the FY 2021 fee rule. The compliance guide was developed when the NRC completed the small entity biennial review for FY 2021. The NRC plans to continue to use this compliance guide for FY 2022 and has relabeled the compliance guide to reflect the current fiscal year. This compliance guide is available as indicated in the ''Availability of Documents'' section of this document.

XII. Public Meeting

The NRC will conduct a public meeting to describe the FY 2022 proposed rule and answer questions from the public on the proposed rule. The NRC will publish a notice of the location, time, and agenda of the meeting on the NRC's public meeting website within 10 calendar days of the meeting. Stakeholders should monitor the NRC's public meeting website for information about the public meeting at: *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

XIII. Availability of Documents

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

Documents	ADAMS accession No./FR citation/web link
NUREG–1100, Volume 37, ''Congressional Budget Justification: Fiscal Year 2022'' (June 2021)	ML21181A336.
FY 2022 Proposed Rule Work Papers	ML22032A035.
OMB Circular A–25, ''User Charges''	*https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/OMB/circulars/a025/a025.html.*
''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2021,'' dated June 16, 2021	86 FR 32146.
''Public Interest Exemption from Provisions in the Fiscal Year 2021 Fee Rule that Require Fees for Import/Export Licensing Actions,'' dated August 20, 2021.	ML21209A553.
SECY–05–0164, ''Annual Fee Calculation Method,'' dated September 15, 2005	ML052580332.
''Revision of Fee Schedules; Fee Recovery for Fiscal Year 2015,'' dated June 30, 2015	80 FR 37432.
''Variable Annual Fee Structure for Small Modular Reactors,'' dated May 24, 2016	81 FR 32617.
''Revision of Fee Schedules; 100% Fee Recovery, FY 1999,'' dated June 10, 1999	64 FR 31447.
''Revision of Fee Schedules; Fee Recovery for FY 2002,'' dated June 24, 2002	67 FR 42625.
''Revision of Fee Schedules; Fee Recovery for FY 2006,'' dated May 30, 2006	71 FR 30721.
SECY–16–0097, ''Fee Setting Improvements and Fiscal Year 2017 Proposed Fee Rule,'' dated August 15, 2016.	ML16194A365.
Staff Requirements Memorandum for SECY–16–0097, dated October 19, 2016	ML16293A902.
''Receipts-Based NRC Size Standards,'' dated July 26, 2021	86 FR 39980.
Fees Transformation Accomplishments	*https://www.nrc.gov/about-nrc/regulatory/licensing/fees-transformation-accomplishments.html.*
FY 2022 Regulatory Flexibility Analysis	ML21363A153.

Documents	ADAMS accession No./FR citation/web link
FY 2022 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide	ML21347A005.

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

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

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is proposing to amend 10 CFR parts 170 and 171:

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

■ 1. The authority citation for part 170 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w) (42 U.S.C. 2014, 2201(w)); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 31 U.S.C. 901, 902, 9701; 44 U.S.C. 3504 note.

§ 170.3 [Amended]

■ 2. In § 170.3, remove the definition for ''Review is completed''.

■ 3. In § 170.11:

■ a. Revise paragraphs (a)(1) and (c); and

■ b. Redesignate paragraph (a)(13) as paragraph (d).

The revisions read as follows:

§ 170.11 Exemptions.

(a) * * *

(1) A special project that is a request/report submitted to the NRC—

(i) In response to a generic letter or NRC bulletin, where the request/report does not result in an amendment to the license, does not result in the review of an alternate method or reanalysis to meet the requirements of the generic letter, or does not involve an unreviewed safety issue;

(ii) When the NRC, at the time the request/report is submitted, plans to use the information to assist the NRC in generic regulatory improvements or efforts (*e.g.,* rules, regulatory guides, regulations, policy statements, generic letters, or bulletins); or

(iii) When the NRC, at the time the request/report is submitted, plans to use the information in response to an NRC request from the Office Director level or above to resolve an identified safety, safeguards, or environmental issue.

* * * * *

(c) For purposes of paragraph (a)(1) of this section, a request for a fee exemption must be submitted to the Chief Financial Officer within 90 days of the date of the NRC's receipt of the request/report.

* * * * *

■ 4. In § 170.12, revise paragraphs (b)(3) and (f) to read as follows.

§ 170.12 Payment of fees.

* * * * *

(b) * * *

(3) The NRC intends to bill each applicant or licensee at quarterly intervals for all accumulated costs for each application the applicant or licensee has on file for NRC review, until the review has been brought to an end, whether by issuance of a permit, license, approval, certificate, exemption, or other form of permission; by denial, withdrawal, or suspension of review of the application; or by postponement of action on the application by the applicant.

* * * * *

(f) *Method of payment.* All fee payments under 10 CFR part 170 are to be made payable to the U.S. Nuclear Regulatory Commission. The payments are to be made in U.S. funds by electronic funds transfer such as ACH (Automated Clearing House) using E.D.I. (Electronic Data Interchange), check, draft, money order, or credit card (submit electronic payment at *www.Pay.gov* or manual payment using the NRC Form 629, ''Authorization for Payment by Credit Card''). Payment of invoices of $5,000 or more should be paid via ACH through the NRC's Lockbox Bank at the address indicated on the invoice. Credit card payments should be made up to the limit established by the credit card bank at the address indicated on the invoice. Specific written instructions for making electronic payments and credit card payments may be obtained by contacting the Office of the Chief Financial Officer at 301–415–7554. In accordance with Department of the Treasury requirements, refunds will only be made upon receipt of information on the payee's financial institution and bank accounts.

* * * * *

§ 170.20 [Amended]

■ 5. In § 170.20, remove the dollar amount ''$288'' and add in its place the dollar amount ''$291''.

■ 6. In § 170.21, in table 1, revise the table entry for ''K, Import and export licenses'' and add footnote 6 to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses.

* * * * *

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
K. Import and export licenses: [6]	
Licenses for the import and export only of production or utilization facilities or the export only of components for production or utilization facilities issued under 10 CFR part 110.	
1. Application for import or export of production or utilization facilities [4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES—Continued

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
Application—new license, or amendment; or license exemption request	N/A
2. Application for export of reactor and other components requiring Executive Branch review, for example, those actions under 10 CFR 110.41(a).	
Application—new license, or amendment; or license exemption request	N/A
3. Application for export of components requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A
4. Application for export of facility components and equipment not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and, therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment to license	N/A

[1] Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 50.12, 10 CFR 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[2] Full cost fees will be determined based on the professional staff time and appropriate contractual support services expended. For applications currently on file and for which fees are determined based on the full cost expended for the review, the professional staff hours expended for the review of the application up to the effective date of the final rule will be determined at the professional rates in effect when the service was provided.

* * * * *

[4] Imports only of major components for end-use at NRC-licensed reactors are authorized under NRC general import license in 10 CFR 110.27.

* * * * *

[6] Because the resources for import and export licensing activities are identified as a fee-relief activity to be excluded from the fee-recoverable budget, import and export licensing actions will not incur fees.

■ 7. In § 170.31, revise table 1 to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

* * * * *

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
1. Special nuclear material: [11]	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium) [6] [Program Code(s): 21213]	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [6] [Program Code(s): 21210].	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A. (1) which are licensed for fuel cycle activities.[6]	
(a) Facilities with limited operations [6] [Program Code(s): 21240, 21310, 21320]	Full Cost.
(b) Gas centrifuge enrichment demonstration facilities.[6] [Program Code(s): 21205]	Full Cost.
(c) Others, including hot cell facilities.[6] [Program Code(s): 21130, 21133]	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [6] [Program Code(s): 23200].	Full Cost.
C. Licenses for possession and use of special nuclear material of less than a critical mass as defined in § 70.4 of this chapter in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.[4]	
Application [Program Code(s): 22140]	$1,300.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A.[4]	
Application [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310].	$2,700.
E. Licenses or certificates for construction and operation of a uranium enrichment facility [6] [Program Code(s): 21200]	Full Cost.
F. Licenses for possession and use of special nuclear material greater than critical mass as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel-cycle activities.[4] [6] [Program Code(s): 22155].	Full Cost.
2. Source material: [11]	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[6] [Program Code(s): 11400].	Full Cost.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
(2) Licenses for possession and use of source material in recovery operations such as milling, *in-situ* recovery, heap-leaching, ore buying stations, ion-exchange facilities, and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.[6]	
(a) Conventional and Heap Leach facilities [6] [Program Code(s): 11100]	Full Cost.
(b) Basic *In Situ* Recovery facilities [6] [Program Code(s): 11500]	Full Cost.
(c) Expanded *In Situ* Recovery facilities [6] [Program Code(s): 11510]	Full Cost.
(d) *In Situ* Recovery Resin facilities [6] [Program Code(s): 11550]	Full Cost.
(e) Resin Toll Milling facilities [6] [Program Code(s): 11555]	Full Cost.
(f) Other facilities [6] [Program Code(s): 11700]	Full Cost.
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [6] [Program Code(s): 11600, 12000].	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [6] [Program Code(s): 12010].	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[7] [8]	
Application [Program Code(s): 11210]	$1,300
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter.	
Application [Program Code(s): 11240]	$6,200.
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter.	
Application [Program Code(s): 11230, 11231]	$2,900.
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution.	
Application [Program Code(s): 11710]	$2,800.
F. All other source material licenses.	
Application [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$2,800.
3. Byproduct material: [11]	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 03211, 03212, 03213]	$13,600.
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04010, 04012, 04014]	$18,100.
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20.	
Application [Program Code(s): 04011, 04013, 04015]	$22,600.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 03214, 03215, 22135, 22162]	$3,700.
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04110, 04112, 04114, 04116]	$5,000.
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: more than 20.	
Application [Program Code(s): 04111, 04113, 04115, 04117]	$6,200.
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 1–5.	
Application [Program Code(s): 02500, 02511, 02513]	$5,400.
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20.	
Application [Program Code(s): 04210, 04212, 04214]	$7,200.
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: more than 20.	
Application [Program Code(s): 04211, 04213, 04215]	$9,000.
D. [Reserved]	N/A.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).	
Application [Program Code(s): 03510, 03520]	$3,300.
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03511]	$6,800.
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application [Program Code(s): 03521]	$64,900.
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03254, 03255, 03257]	$6,900.
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	
Application [Program Code(s): 03250, 03251, 03253, 03256]	$15,500.
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03240, 03241, 03243]	$2,100.
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	
Application [Program Code(s): 03242, 03244]	$1,200.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5.	
Application [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	$5,700.
(1) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20.	
Application [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	$7,600.
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20.	
Application [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	$9,500.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution.	
Application [Program Code(s): 03620]	$8,700.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4.A., 4.B., and 4.C.[13]	
Application [Program Code(s): 03219, 03225, 03226]	$9,300.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 1–5.	
Application [Program Code(s): 03310, 03320]	$9,200.
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: 6–20.	
Application [Program Code(s): 04310, 04312]	$12,300.
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. Number of locations of use: more than 20.	
Application [Program Code(s): 04311, 04313]	$15,400.
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 1–5.	
Application [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03130, 03140, 03220, 03221, 03222, 03800, 03810, 22130].	$6,600.
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: 6–20.	
Application [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438].	$8,800.
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[9] Number of locations of use: More than 20.	
Application [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439].	$11,000.

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
Q. Registration of a device(s) generally licensed under part 31 of this chapter.	
Registration	$400.
R. Possession of items or products containing radium-226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section.[5]	
1. Possession of quantities exceeding the number of items or limits in § 31.12(a)(4) or (5) of this chapter but less than or equal to 10 times the number of items or limits specified.	
Application [Program Code(s): 02700]	$2,700.
2. Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter.	
Application [Program Code(s): 02710]	$2,600.
S. Licenses for production of accelerator-produced radionuclides.	
Application [Program Code(s): 03210]	$14,900.
4. Waste disposal and processing: [11]	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.	
Application [Program Code(s): 03231, 03233, 03236, 06100, 06101]	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03234]	$7,200.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	
Application [Program Code(s): 03232]	$5,200.
5. Well logging: [11]	$4,800.
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	
Application [Program Code(s): 03110, 03111, 03112].	
B. Licenses for possession and use of byproduct material for field flooding tracer studies.	
Licensing [Program Code(s): 03113]	Full Cost.
6. Nuclear laundries: [11]	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	
Application [Program Code(s): 03218]	$23,200.
7. Medical licenses: [11]	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 1–5.	
Application [Program Code(s): 02300, 02310]	$11,600.
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: 6–20.	
Application [Program Code(s): 04510, 04512]	$15,500.
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. Number of locations of use: More than 20.	
Application [Program Code(s): 04511, 04513]	$19,300.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 1–5.	
Application [Program Code(s): 02110]	$9,100.
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: 6–20.	
Application [Program Code(s): 04710]	$12,100.
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license. Number of locations of use: more than 20.	
Application [Program Code(s): 04711]	$15,100.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 1–5.	

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
Application [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$11,000.
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: 6–20.	
Application [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	$9,100.
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.[10] Number of locations of use: More than 20.	
Application [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	$11,400.
8. Civil defense: [11]	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	
Application [Program Code(s): 03710]	$2,700.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.	
Application—each device	$18,100.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices.	
Application—each device	$9,400.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	
Application—each source	$5,500.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel.	
Application—each source	$1,100
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	Full Cost.
2. Other Casks	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators.	
Application	$4,400.
Inspections	Full Cost.
2. Users.	
Application	$4,400.
Inspections	Full Cost.
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices).	Full Cost.
11. Review of standardized spent fuel facilities	Full Cost.
12. Special projects:	
Including approvals, pre-application/licensing activities, and inspections.	
Application [Program Code: 25110]	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance.	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter.	Full Cost.
14. Decommissioning/Reclamation: [11]	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200]	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses: [12]	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite (fee categories 15.A. through 15.E.).	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under § 110.40(b) of this chapter.	
Application—new license, or amendment; or license exemption request	N/A.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes applications for the export and import of radioactive waste and requires the NRC to consult with domestic host state authorities (i.e., Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.).	
Application—new license, or amendment; or license exemption request	N/A.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment; or license exemption request	N/A.
D. Application for export or import of nuclear material not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	

TABLE 1 TO § 170.31—SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees [1]	Fees [2] [3]
Application—new license, or amendment; or license exemption request	N/A.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.	
Minor amendment	N/A.
Licenses issued under part 110 of this chapter for the import and export only of Category 1 and Category 2 quantities of radioactive material listed in appendix P to part 110 of this chapter (fee categories 15.F. through 15.R.).	
Category 1 (Appendix P, 10 CFR Part 110) Exports:	
F. Application for export of appendix P Category 1 materials requiring Commission review (*e.g.*, exceptional circumstance review under § 110.42(e)(4) of this chapter) and to obtain one government-to-government consent for this process. For additional consent see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
G. Application for export of appendix P Category 1 materials requiring Executive Branch review and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
H. Application for export of appendix P Category 1 materials and to obtain one government-to-government consent for this process. For additional consents see fee category 15.I.	
Application—new license, or amendment; or license exemption request	N/A.
I. Requests for each additional government-to-government consent in support of an export license application or active export license.	
Application—new license, or amendment; or license exemption request	N/A.
Category 2 (Appendix P, 10 CFR Part 110) Exports:	
J. Application for export of appendix P Category 2 materials requiring Commission review (*e.g.*, exceptional circumstance review under § 110.42(e)(4) of this chapter).	
Application—new license, or amendment; or license exemption request	N/A.
K. Applications for export of appendix P Category 2 materials requiring Executive Branch review.	
Application—new license, or amendment; or license exemption request	N/A.
L. Application for the export of Category 2 materials.	
Application—new license, or amendment; or license exemption request	N/A.
M. [Reserved]	N/A.
N. [Reserved]	N/A.
O. [Reserved]	N/A.
P. [Reserved]	N/A.
Q. [Reserved]	N/A.
Minor Amendments (Category 1 and 2, Appendix P, 10 CFR Part 110, Export):	
R. Minor amendment of any active export license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and, therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign authorities.	
Minor amendment	N/A.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of § 150.20 of this chapter.	
Application	$2,700.
17. Master materials licenses of broad scope issued to Government agencies.	
Application [Program Code(s): 03614]	Full Cost.
18. Department of Energy.	
A. Certificates of Compliance. Evaluation of casks, packages, and shipping containers (including spent fuel, high-level waste, and other casks, and plutonium air packages).	Full Cost
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities.	Full Cost.

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession-only licenses; issuances of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(1) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses, except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(i) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(ii) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee category 1.C. only.

(2) *Licensing fees.* Fees for reviews of applications for new licenses, renewals, and amendments to existing licenses, pre-application consultations and other documents submitted to the NRC for review, and project manager time for fee categories subject to full cost fees are due upon notification by the Commission in accordance with § 170.12(b).

(3) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to an export or import license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment, unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(4) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and nonroutine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(5) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under title 10 of the *Code of Federal Regulations* (*e.g.,* 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in fee categories 9.A. through 9.D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect when the service is provided, and the appropriate contractual support services expended.

[4] Licensees paying fees under categories 1.A., 1.B., and 1.E. are not subject to fees under categories 1.C., 1.D. and 1.F. for sealed sources authorized in the same license, except for an application that deals only with the sealed sources authorized by the license.

[5] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)

[6] Licensees subject to fees under fee categories 1.A., 1.B., 1.E., or 2.A. must pay the largest applicable fee and are not subject to additional fees listed in this table.

[7] Licensees paying fees under 3.C., 3.C.1, or 3.C.2 are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[8] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.

[9] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.

[10] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2. for broad scope licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.

[11] A materials license (or part of a materials license) that transitions to fee category 14.A is assessed full-cost fees under 10 CFR part 170, but is not assessed an annual fee under 10 CFR part 171. If only part of a materials license is transitioned to fee category 14.A, the licensee may be charged annual fees (and any applicable 10 CFR part 170 fees) for other activities authorized under the license that are not in decommissioning status.

[12] Because the resources for import and export licensing activities are identified as a fee-relief activity to be excluded from the fee-recoverable budget, import and export licensing actions will not incur fees.

[13] Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

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

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

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

■ 9. In § 171.15, revise paragraphs (b)(1), (b)(2) introductory text, (c)(1), (c)(2) introductory text, and (e) to read as follows:

§ 171.15 Annual fees: Non-power production or utilization licenses, reactor licenses, and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2022 annual fee for each operating power reactor that must be collected by September 30, 2022, is $5,165,000.

(2) The FY 2022 annual fees are comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee and associated additional charges. The activities comprising the spent fuel storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2022 base annual fee for operating power reactors are as follows:

* * * * *

(c)(1) The FY 2022 annual fee for each power reactor holding a 10 CFR part 50 license or combined license issued under 10 CFR part 52 that is in a decommissioning or possession-only status and has spent fuel onsite, and for each independent spent fuel storage 10 CFR part 72 licensee who does not hold a 10 CFR part 50 license or a 10 CFR part 52 combined license, is $254,000.

(2) The FY 2022 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section). The activities comprising the FY 2022 spent fuel storage/reactor decommissioning rebaselined annual fee are:

* * * * *

(e) The FY 2022 annual fee for licensees authorized to operate one or more non-power production or utilization facilities under a single 10 CFR part 50 license, unless the reactor is exempted from fees under § 171.11(b), is $93,000.

■ 10. In § 171.16, revise paragraphs (b) introductory text and (d) to read as follows:

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

* * * * *

(b) The FY 2022 annual fee is comprised of a base annual fee and associated additional charges. The base FY 2022 annual fee is the sum of budgeted costs for the following activities:

* * * * *

(d) The FY 2022 annual fees for materials licensees and holders of certificates, registrations, or approvals subject to fees under this section are shown in table 2 to this paragraph (d):

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
1. Special nuclear material:	
A.(1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities	

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
(a) Strategic Special Nuclear Material (High Enriched Uranium) [15] [Program Code(s): 21213]	$4,441,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel [15] [Program Code(s): 21210]	$1,505,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities	
(a) Facilities with limited operations [15] [Program Code(s): 21310, 21320]	$992,000
(b) Gas centrifuge enrichment demonstration facility [15] [Program Code(s): 21205]	N/A
(c) Others, including hot cell facility [15] [Program Code(s): 21130, 21133]	N/A
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI) [11] [15] [Program Code(s): 23200]	N/A
C. Licenses for possession and use of special nuclear material of less than a critical mass, as defined in § 70.4 of this chapter, in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers. [Program Code(s): 22140]	$2,400
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in sealed or unsealed form in combination that would constitute a critical mass, as defined in § 70.4 of this chapter, for which the licensee shall pay the same fees as those under Category 1.A. [Program Code(s): 22110, 22111, 22120, 22131, 22136, 22150, 22151, 22161, 22170, 23100, 23300, 23310]	$5,900
E. Licenses or certificates for the operation of a uranium enrichment facility [15] [Program Code(s): 21200]	$1,935,000
F. Licenses for possession and use of special nuclear materials greater than critical mass, as defined in § 70.4 of this chapter, for development and testing of commercial products, and other non-fuel cycle activities.[4] [Program Code: 22155]	$4,400
2. Source material:	
A.(1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride or for deconverting uranium hexafluoride in the production of uranium oxides for disposal.[15] [Program Code: 11400]	$447,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ recovery, heap-leaching, ore buying stations, ion-exchange facilities and in-processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Conventional and Heap Leach facilities.[15] [Program Code(s): 11100]	N/A
(b) Basic *In Situ* Recovery facilities.[15] [Program Code(s): 11500]	$47,000
(c) Expanded *In Situ* Recovery facilities [15] [Program Code(s): 11510]	N/A
(d) *In Situ* Recovery Resin facilities.[15] [Program Code(s): 11550]	[5] N/A
(e) Resin Toll Milling facilities.[15] [Program Code(s): 11555]	[5] N/A
(f) Other facilities [6] [Program Code(s): 11700]	[5] N/A
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4) [15] [Program Code(s): 11600, 12000]	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2) [15] [Program Code(s): 12010]	N/A
B. Licenses which authorize the possession, use, and/or installation of source material for shielding.[16] [17] Application [Program Code(s): 11210]	$2,700
C. Licenses to distribute items containing source material to persons exempt from the licensing requirements of part 40 of this chapter. [Program Code: 11240]	$9,000
D. Licenses to distribute source material to persons generally licensed under part 40 of this chapter. [Program Code(s): 11230 and 11231]	$5,100
E. Licenses for possession and use of source material for processing or manufacturing of products or materials containing source material for commercial distribution. [Program Code: 11710]	$6,500
F. All other source material licenses. [Program Code(s): 11200, 11220, 11221, 11300, 11800, 11810, 11820]	$8,800
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03211, 03212, 03213]	$28,000
(1). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04010, 04012, 04014]	$37,100
(2). Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04011, 04013, 04015]	$46,300
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 1–5. [Program Code(s): 03214, 03215, 22135, 22162]	$9,800
(1). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04110, 04112, 04114, 04116]	$13,000
(2). Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04111, 04113, 04115, 04117]	$16,100

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4) of this chapter. Number of locations of use: 1–5. [Program Code(s): 02500, 02511, 02513]	$9,200
(1). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: 6–20. [Program Code(s): 04210, 04212, 04214]	$12,100
(2). Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). Number of locations of use: More than 20. [Program Code(s): 04211, 04213, 04215]	$16,600
D. [Reserved]	[5] N/A
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units). [Program Code(s): 03510, 03520]	$10,100
F. Licenses for possession and use of less than or equal to 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes. [Program Code(s): 03511]	$9,100
G. Licenses for possession and use of greater than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes. [Program Code(s): 03521]	$73,000
H. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. [Program Code(s): 03254, 03255, 03257]	$8,700
I. Licenses issued under subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter. [Program Code(s): 03250, 03251, 03253, 03256]	$17,700
J. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03240, 03241, 03243]	$3,600
K. Licenses issued under subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter. [Program Code(s): 03242, 03244]	$2,700
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 1–5. [Program Code(s): 01100, 01110, 01120, 03610, 03611, 03612, 03613]	$12,800
(1) Licenses of broad scope for possession and use of product material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: 6–20. [Program Code(s): 04610, 04612, 04614, 04616, 04618, 04620, 04622]	$17,000
(2) Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution. Number of locations of use: More than 20. [Program Code(s): 04611, 04613, 04615, 04617, 04619, 04621, 04623]	$21,100
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution. [Program Code(s): 03620]	$13,600
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3.P.; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4.A., 4.B., and 4.C.[21] [Program Code(s): 03219, 03225, 03226]	$15,500
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license Number of locations of use: 1–5. [Program Code(s): 03310, 03320]	$29,700
(1). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: 6–20. [Program Code(s): 04310, 04312]	$39,500
(2). Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license. Number of locations of use: More than 20. [Program Code(s): 04311, 04313]	$49,500

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
P. All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 1–5. [Program Code(s): 02400, 02410, 03120, 03121, 03122, 03123, 03124, 03140, 03130, 03220, 03221, 03222, 03800, 03810, 22130]	$9,900
(1). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: 6–20. [Program Code(s): 04410, 04412, 04414, 04416, 04418, 04420, 04422, 04424, 04426, 04428, 04430, 04432, 04434, 04436, 04438]	$13,300
(2). All other specific byproduct material licenses, except those in Categories 4.A. through 9.D.[18] Number of locations of use: More than 20. [Program Code(s): 04411, 04413, 04415, 04417, 04419, 04421, 04423, 04425, 04427, 04429, 04431, 04433, 04435, 04437, 04439]	$16,600
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
R. Possession of items or products containing radium–226 identified in § 31.12 of this chapter which exceed the number of items or limits specified in that section: [14]	
(1). Possession of quantities exceeding the number of items or limits in § 31.12(a)(4), or (5) of this chapter but less than or equal to 10 times the number of items or limits specified [Program Code(s): 02700]	$6,200
(2). Possession of quantities exceeding 10 times the number of items or limits specified in § 31.12(a)(4) or (5) of this chapter [Program Code(s): 02710]	$6,500
S. Licenses for production of accelerator-produced radionuclides [Program Code(s): 03210]	$24,300
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material. [Program Code(s): 03231, 03233, 03236, 06100, 06101]	$23,100
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03234]	$16,000
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material. [Program Code(s): 03232]	$8,900
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies. [Program Code(s): 03110, 03111, 03112]	$12,700
B. Licenses for possession and use of byproduct material for field flooding tracer studies. [Program Code(s): 03113]	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material. [Program Code(s): 03218]	$28,700
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02300, 02310]	$27,700
(1). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04510, 04512]	$36,900
(2). Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in gamma stereotactic radiosurgery units, teletherapy devices, or similar beam therapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: More than 20. [Program Code(s): 04511, 04513]	$46,100
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 1–5. [Program Code(s): 02110]	$37,900
(1). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: 6–20. [Program Code(s): 04710]	$50,400
(2). Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] Number of locations of use: More than 20. [Program Code(s): 04711]	$63,000

TABLE 2 TO PARAGRAPH (d)—SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1] [2] [3]
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 1–5. [Program Code(s): 02120, 02121, 02200, 02201, 02210, 02220, 02230, 02231, 02240, 22160]	$17,000
(1). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: 6–20. [Program Code(s): 04810, 04812, 04814, 04816, 04818, 04820, 04822, 04824, 04826, 04828]	$17,200
(2). Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9] [19] Number of locations of use: More than 20. [Program Code(s): 04811, 04813, 04815, 04817, 04819, 04821, 04823, 04825, 04827, 04829]	$21,400
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities. [Program Code(s): 03710]	$6,200
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	$18,200
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	$9,400
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	$5,500
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	$1,100
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	[6] N/A
2. Users	[6] N/A
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects [Program Code(s): 25110]	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under § 72.210 of this chapter	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter, including master materials licenses (MMLs). The transition to this fee category occurs when a licensee has permanently ceased principal activities. [Program Code(s): 03900, 11900, 21135, 21215, 21325, 22200]	[7] [20] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, including MMLs, whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies.[15] [Program Code(s): 03614]	$346,000
18. Department of Energy:	
A. Certificates of Compliance	[10] $1,659,000
B. Uranium Mill Tailings Radiation Control Act (UMTRCA) activities [Program Code(s): 03237, 03238]	$176,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the current FY. The annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1 of the current FY, and permanently ceased licensed activities entirely before this date. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession-only license during the FY and for new licenses issued during the FY will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.,* human use and irradiator activities), annual fees will be assessed for each category applicable to the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of part 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each FY, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

[4] Other facilities include licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.
[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance and related Quality Assurance program approvals, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.
[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.
[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.
[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses under fee categories 7.A, 7.A.1, 7.A.2, 7.B., 7.B.1, 7.B.2, 7.C, 7.C.1, or 7.C.2.
[10] This includes Certificates of Compliance issued to the U.S. Department of Energy that are not funded from the Nuclear Waste Fund.
[11] See § 171.15(c).
[12] See § 171.15(c).
[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.
[14] Persons who possess radium sources that are used for operational purposes in another fee category are not also subject to the fees in this category. (This exception does not apply if the radium sources are possessed for storage only.)
[15] Licensees subject to fees under categories 1.A., 1.B., 1.E., 2.A., and licensees paying fees under fee category 17 must pay the largest applicable fee and are not subject to additional fees listed in this table.
[16] Licensees paying fees under 3.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[17] Licensees paying fees under 7.C. are not subject to fees under 2.B. for possession and shielding authorized on the same license.
[18] Licensees paying fees under 3.N. are not subject to paying fees under 3.P., 3.P.1, or 3.P.2 for calibration or leak testing services authorized on the same license.
[19] Licensees paying fees under 7.B., 7.B.1, or 7.B.2 are not subject to paying fees under 7.C., 7.C.1, or 7.C.2 for broad scope license licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices authorized on the same license.
[20] No annual fee is charged for a materials license (or part of a materials license) that has transitioned to this fee category because the decommissioning costs will be recovered through 10 CFR part 170 fees, but annual fees may be charged for other activities authorized under the license that are not in decommissioning status.
[21] Licensees paying fees under 4.A., 4.B. or 4.C. are not subject to paying fees under 3.N. licenses that authorize services for other licensees authorized on the same license.

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

Cherish K. Johnson,

Chief Financial Officer.

[FR Doc. 2022–03715 Filed 2–18–22; 4:15 pm]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0145; Project Identifier MCAI–2021–00522–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2019–11–05, which applies to Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 429 helicopters having certain tail rotor (TR) pitch link assemblies. AD 2019–11–05 requires inspecting the TR pitch link assemblies, and replacing certain pitch link bearings. Since the FAA issued AD 2019–11–05, the FAA has determined that all TR pitch link assemblies are affected by the unsafe condition. This proposed AD would continue to require the actions specified in AD 2019–11–05, and would revise the applicability and require inspections of certain other TR pitch link assemblies. 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 11, 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 Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* 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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0145; 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 Transport Canada Civil Aviation (TCCA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; phone: (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 proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0145; Project Identifier MCAI–2021–00522–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 proposal.

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; phone: (202) 267–9167; email: *hal.jensen@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2019–11–05, Amendment 39–19651 (84 FR 26546, June 7, 2019) (AD 2019–11–05), which applies to certain Bell Helicopter Textron Canada Limited Model 429 helicopters. AD 2019–11–05 requires inspecting the TR pitch link assemblies, and replacing certain pitch link bearings. The FAA issued AD 2019–11–05 to address a worn pitch link, which if not corrected, could result in pitch link failure and subsequent loss of control of the helicopter.

Actions Since AD 2019–11–05 Was Issued

Since the FAA issued AD 2019–11–05, the FAA has determined that additional TR pitch link assemblies are affected by the unsafe condition. AD 2019–11–05 applies to helicopters with a pitch link assembly part number (P/N) 429–012–112–101, 429–012–112–103, 429–012–112–101FM, or 429–012–112–103FM installed. However, as specified in the corresponding TCCA AD, CF–2015–16R2, dated April 3, 2017 (TCCA AD CF–2015–16R2), all pitch link assemblies are part of the repetitive inspections.

The TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2015–16R3, dated April 30, 2021 (TCCA AD CF–2015–16R3) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bell Helicopter Textron Canada Limited Model 429 helicopters. TCCA AD CF–2015–16R3 retains the requirements of TCCA AD CF–2015–16R2 and revises the applicability by specifying certain helicopter serial numbers to account for new production helicopters which have already incorporated the new pitch link assemblies and corrected the unsafe condition. TCCA AD CF–2015–16R3 also specifies that installing a new pitch link assembly terminates the repetitive inspections.

This proposed AD was prompted by a report of a worn pitch link, and the FAA's determination that that all TR pitch link assemblies are affected by the unsafe condition. The FAA is proposing this AD to address a worn pitch link, which if not corrected, could result in pitch link failure and subsequent loss of control of the helicopter. See the MCAI for additional background information.

FAA's Determination

These products have been approved by the aviation authority of Canada, and are approved for operation in the United States. Pursuant to the bilateral agreement with Canada, TCCA, its technical representative, has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bell Alert Service Bulletin No. 429–15–16, Revision C, dated October 16, 2020. This service information contains procedures for inspecting the TR pitch link assemblies, replacing certain pitch link bearings, and replacement of the pitch link assemblies. 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.

Proposed AD Requirements in this NPRM

This proposed AD would retain all of the requirements of AD 2019–11–05. This proposed AD would revise the applicability and require inspections of all TR pitch link assemblies.

Costs of Compliance

The FAA estimates that this proposed AD affects 120 helicopters of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained inspections from AD 2019-11-05.	2 work-hours × $85 per hour = $170 per inspection cycle.	$0	$170 per inspection cycle	$20,400 per inspection cycle.
New inspections	2 work-hours × $85 per hour = $170 per inspection cycle.	0	170 per inspection cycle	20,400 per inspection cycle.

The FAA estimates the following costs to do any necessary on-condition replacements that would be required based on the results of any required actions. The FAA has no way of determining the number of helicopters that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Bearing replacements	3 work-hours × $85 per hour = $255	$3,340	$3,343	$401,160

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known 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 determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2019–11–05, Amendment 39–19651 (84 FR 26546, June 7, 2019); and

■ b. Adding the following new AD:

Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Docket No. FAA–2022–0145; Project Identifier MCAI–2021–00522–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 11, 2022.

(b) Affected ADs

(1) This AD replaces AD 2019–11–05, Amendment 39–19651 (84 FR 26546, June 7, 2019) (AD 2019–11–05).

(2) This AD affects AD 2020–17–10, Amendment 39–21215 (85 FR 49941, August 17, 2020) (AD 2020–17–10).

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters, certificated in any category, serial numbers 57001 through 57401 inclusive.

(d) Subject

Joint Aircraft System Component (JASC) Code 6720, Tail Rotor Control System.

(e) Unsafe Condition

This AD was prompted by a report of a worn pitch link. The FAA is issuing this AD to address a worn pitch link, which if not corrected, could result in pitch link failure and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Retained Requirements

(1) For pitch link assembly part number (P/N) 429–012–112–101, 429–012–112–103, 429–012–112–101FM, and 429–012–112–103FM: Within 50 hours time-in-service (TIS) after July 12, 2019 (the effective date of AD 2019–11–05) and thereafter at intervals not to exceed 50 hours TIS:

(i) Perform a dimensional inspection of each inboard and outboard pitch link assembly for axial and radial bearing play. With a 10X or higher power magnifying glass, inspect the bearing liner for a crack, deterioration of the liner, and extrusion of the liner from the plane. If there is axial or radial play that exceeds allowable limits, or if there is a crack, deterioration of the liner, or extrusion of the liner, before further flight, replace the bearing.

(ii) Inspect the pitch link assembly sealant for pin holes and voids and to determine if the sealant thickness is 0.025 inch (0.64 mm) or less, extends over the roll staked lip by 0.030 inch (0.76 mm) or more, and is clear of the bearing ball. If there is a pin hole or void, or if the sealant exceeds 0.026 inch (0.66 mm), does not extend over the roll staked lip by 0.030 inch (0.76 mm) or more, or is not clear of the bearing ball, before further flight, replace the bearing.

(2) For pitch link assembly part number (P/N) 429–012–112–101, 429–012–112–103, 429–012–112–101FM, and 429–012–112–103FM, within 200 hours TIS following the initial inspection required by paragraph (g)(1) of this AD, or if the hours TIS of a pitch link assembly exceed 250 hours TIS or are unknown, at the next 50-hour-TIS inspection required by paragraph (g)(1) of this AD:

(i) Replace each bearing P/N 429–312–107–103 with a date of manufacture before January 13, 2015, with a bearing P/N 429–312–107–103 that was manufactured on or after January 13, 2015.

(ii) Using a white permanent fine point marker or equivalent, re-identify the pitch link assembly:

(A) Re-identify P/N 429–012–112–101 and 429–012–112–101FM as 429–012–112–111FM.

(B) Re-identify P/N 429–012–112–103 and 429–012–112–103FM as 429–012–112–113FM.

(iii) Apply a coating of DEVCON 2–TON (C–298) or equivalent over the new P/N.

(h) New Requirements

For pitch link assemblies other than P/N 429–012–112–101, 429–012–112–103, 429–012–112–101FM, and 429–012–112–103FM: Within 50 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 50 hours TIS:

(1) Perform a dimensional inspection of each inboard and outboard pitch link assembly for axial and radial bearing play. With a 10X or higher power magnifying glass, inspect the bearing liner for a crack, deterioration of the liner, and extrusion of the liner from the plane. If there is axial or radial play that exceeds allowable limits, or

if there is a crack, deterioration of the liner, or extrusion of the liner, before further flight, replace the bearing.

(2) Inspect the pitch link assembly sealant for pin holes and voids and to determine if the sealant thickness is 0.025 inch (0.64 mm) or less, extends over the roll staked lip by 0.030 inch (0.76 mm) or more, and is clear of the bearing ball. If there is a pin hole or void, or if the sealant exceeds 0.026 inch (0.66 mm), does not extend over the roll staked lip by 0.030 inch (0.76 mm) or more, or is not clear of the bearing ball, before further flight, replace the bearing.

(i) Terminating Action for Certain Actions in AD 2020–17–10

Accomplishing the initial inspection required by paragraph (g)(1) or (h) of this AD constitutes terminating action for the inspections required by paragraph (f)(2) of AD 2020–17–10 for that pitch link assembly only.

(j) Optional Terminating Action

The repetitive inspections required by paragraph (h) of this AD are no longer required for helicopters that incorporate pitch link assemblies, P/N 429–012–212–105 or 429–012–212–107, in accordance with Part III of the Accomplishment Instructions of Bell Alert Service Bulletin No. 429–15–16, Revision C, dated October 16, 2020.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(1) 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 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; phone: (202) 267–9167; email: *hal.jensen@faa.gov.*

(2) Bell Alert Service Bulletin No. 429–15–16, Revision C, dated October 16, 2020, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4, Canada; telephone 1–450–437–2862 or 1–800–363–8023; fax 1–450–433–0272; email *productsupport@bellflight.com;* or at *https://www.bellflight.com/support/contact-support.* You may view this referenced service information 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.

(3) The subject of this AD is addressed in Transport Canada Civil Aviation (TCCA) AD CF–2015–16R3, dated April 30, 2021 (TCCA AD CF–2015–16R3). You may view the Transport Canada AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2022–0145.

Issued on February 15, 2022.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03770 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–1168; Project Identifier AD–2021–00825–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–8 airplanes. This proposed AD was prompted by a report that, during production, a small number of fasteners in certain locations of the center fuel tank were cap sealed on top of a black stripe of ink with a clear overcoat. This clear overcoat is not an approved surface for sealing and can potentially compromise sealant adhesion. Compromised sealant adhesion can, over time, affect the lightning-protection properties of the airplane. This proposed AD would require preparation of the affected surface areas to ensure that there is adequate sealant adhesion, and complete encapsulation of the discrepant fastener locations with the approved production sealant. 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 11, 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 Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1168.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1168; 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, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3552; email: *christopher.r.baker@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–2021–1168; Project Identifier AD–2021–00825–T'' 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 Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3552; email: *christopher.r.baker@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 has received a report that, during production, a small number of fasteners common to upper wing panel stringers U–S1, U–S10, U–S12, U–S20, and U–S21 and lower wing panel stringer L–S14 were cap sealed on top of a black stripe of ink with a clear overcoat. The black stripe and clear overcoat were applied during airplane assembly to certain interior areas of the center fuel tank to ensure proper alignment of components, and this discrepancy was not identified by Boeing prior to the delivery of certain airplanes. The purpose of cap sealing is to provide a secondary layer of lightning protection to the metal-to-metal rivet installation bond, however, the clear overcoat is not an approved surface for sealing and can compromise sealant adhesion. Compromised sealant adhesion can, over time, affect the lightning-protection properties of the airplane. This condition, if not addressed, could result in ignition of fuel vapors and subsequent explosion of the fuel tank in the event of a lightning strike. The FAA expects, however, that the degree to which sealant adhesion is compromised under these circumstances, and therefore the risk, will initially be small, and increase gradually over a period of years as the adhesion begins to deteriorate. Additionally, the compliance time would allow operators to align this work with the typical schedule for maintenance into the airplane's fuel tank, which rarely exceeds once every ten years. Therefore, based on the evaluated risk, the FAA has determined that the related actions need to be completed within the timeframes identified in paragraph (g) of this proposed AD and in the manufacturer's service information.

FAA's Determination

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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Special Attention Requirements Bulletin 737–57–1352 RB, dated February 1, 2021. This service information specifies procedures for preparing the surface and completely encapsulating the black stripe of ink, the clear overcoat, and the existing sealant with the approved production (BMS5–45) sealant at upper stringer U–S1, U–S10, U–S12, U–S20, and U–S21, and lower stringer L–S14. The affected areas are all located on the portion of the stringers just outboard of the wing box.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–1168.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 11 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Apply Sealant	106 work-hours × $85 per hour = $9,010	$500	$9,510	$104,610

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the

States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2021–1168; Project Identifier AD–2021–00825–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 11, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–8 airplanes, certificated in any category, as identified in Boeing Special Attention Requirements Bulletin 737–57–1352 RB, dated February 1, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report that, during production, a small number of fasteners in certain locations of the center fuel tank were cap sealed on top of a black stripe of ink with a clear overcoat. This clear overcoat is not an approved surface for sealing and can potentially compromise sealant adhesion. Compromised sealant adhesion can, over time, affect the lightning-protection properties of the airplane. The FAA is issuing this AD to address compromised sealant adhesion within the center fuel tank, which, if not addressed, could result in ignition of fuel vapors and subsequent explosion of the fuel tank in the event of a lightning strike.

(f) Compliance

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

(g) Required Actions

Within 10 years after the date of issuance of the original airworthiness certificate or the original export certificate of airworthiness, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 737–57–1352 RB, dated February 1, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin 737–57–1352, dated February 1, 2021, which is referred to in Boeing Special Attention Requirements Bulletin 737–57–1352 RB, dated February 1, 2021.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards 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 by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(i) Related Information

(1) For more information about this AD, contact Chris Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3552; email: *christopher.r.baker@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on December 21, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03804 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0143; Project Identifier MCAI–2021–01401–T]

RIN 2120–AA64

Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited (type certificate previously held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes. This proposed AD was prompted by reports of a certain bolt at the pivot pin link being found missing or having stress corrosion cracking. This proposed AD would require a modification to the nose landing gear (NLG) shock strut assembly. 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 11, 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 De Havilland Aircraft of Canada Limited, Q-Series

Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0143; 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, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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–2022–0143; Project Identifier MCAI–2021–01401–T'' 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 Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2009–29R4, dated October 1, 2021 (TCCA AD CF–2009–29R4) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0143.

The FAA issued AD 2021–25–12, Amendment 39–21856 (86 FR 72174, December 21, 2021) (AD 2021–25–12), for certain De Havilland Aircraft of Canada Limited Model DHC–8–401 and –402 airplanes. AD 2021–25–12 requires repetitive lubrications of the trailing arm of the NLG, which include a general visual inspection of the NLG pivot pin mechanism for discrepancies and replacement of missing or damaged bolts. AD 2021–25–12 also requires revising the existing maintenance or inspection program to include new and revised airworthiness limitations (life limits for certain bolts). AD 2021–25–12 corresponds to TCCA AD CF–2009–29R4, except AD 2021–25–12 does not include the modification to the NLG shock strut assembly specified in Part I of TCCA AD CF–2009–29R4. AD 2021–25–12 explained that the FAA was considering further rulemaking to require the modification. The FAA has now determined that further rulemaking is necessary, and this proposed AD follows from that determination.

The FAA is proposing this AD to address failure of the pivot pin retention bolt, which could result in a loss of directional control or loss of an NLG tire during takeoff or landing, which could lead to runway excursions. See the MCAI for additional background information.

Relationship Between Proposed AD and AD 2021–25–12

This NPRM does not propose to supersede AD 2021–25–12. Rather, the FAA has determined that a stand-alone AD would be more appropriate. This proposed AD would require the modification specified in Part I of TCCA AD CF–2009–29R4 that was not included in AD 2021–25–12.

Related Service Information Under 1 CFR Part 51

De Havilland Aircraft of Canada Limited has issued Service Bulletin 84–32–161, Revision B, dated March 31, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021. This service information describes procedures for modifying the NLG shock strut assembly by replacing special bolt, part number (P/N) 47205–1 or 47205–3, with a new retention bolt, P/N NAS6204–14D (the modification includes a reverse orientation of the retention bolt and a rework of the weight on wheel (WOW) proximity sensor cover to provide clearance for the re-oriented retention bolt).

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

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 the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Differences Between This Proposed AD and the MCAI or Service Information

This proposed AD would only require the modification specified in Part I of TCCA AD CF–2009–29R4. The other actions specified in TCCA AD CF–2009–29R4 are required by FAA AD 2021–25–12.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 54 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$8	$348	$18,792

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2022–0143; Project Identifier MCAI–2021–01401–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 11, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited (type certificate previously held by Bombardier, Inc.) Model DHC–8–401 and –402 airplanes, certificated in any category, serial numbers 4001 and 4003 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by reports of a certain bolt at the pivot pin link being found missing or having stress corrosion cracking. The FAA is issuing this AD to address failure of the pivot pin retention bolt, which could result in a loss of directional control or loss of a nose landing gear (NLG) tire during takeoff or landing, which could lead to runway excursions.

(f) Compliance

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

(g) Modification

For any airplane having an NLG shock strut assembly, part number (P/N) 47100–XX (where XX represents any number), that has special bolt P/N 47205–1 or 47205–3: Within 1,600 flight cycles or 9 months after the effective date of this AD, whichever occurs first, modify the NLG shock strut assembly, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision B, dated March 31, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 3, dated March 26, 2021.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, dated April 7, 2020, including UTC Aerospace Systems Service Bulletin 47100–32–145, dated April 3, 2020; or De Havilland Aircraft of Canada Limited Service Bulletin 84–32–161, Revision A, dated January 27, 2021, including UTC Aerospace Systems Service Bulletin 47100–32–145, Revision 2, dated January 4, 2021.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation

(TCCA); or De Havilland Aircraft of Canada Limited's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2009–29R4, dated October 1, 2021, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0143.

(2) For more information about this AD, contact Antariksh Shetty, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on February 15, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03718 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0146; Project Identifier AD–2021–00449–R]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–26–13, which applies to certain Sikorsky Aircraft Corporation (Sikorsky) Model S–92A helicopters. AD 2020–26–13 requires establishing the life limit for certain part-numbered horizontal stabilizer root fittings FWD (forward root fittings) and certain part-numbered stabilizer strut fittings. AD 2020–26–13 also requires repetitively inspecting certain parts, and depending on the inspection results, removing parts from service. Finally AD 2020–26–13 prohibits installing certain stabilizer assemblies on any helicopter. Since the FAA issued AD 2020–26–13, the manufacturer notified the FAA that due to an error in the service information, certain part numbers in AD 2020–26–13 are incorrect. Also, the FAA determined that additional inspections are required to address the unsafe condition. This proposed AD would retain certain requirements and the prohibition for installing certain stabilizer assemblies on any helicopter from AD 2020–26–13 and would correct certain part numbers and require additional repetitive inspections. 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 11, 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 Sikorsky's Engineering Group at Sikorsky Aircraft Corporation, 124 Quarry Road, Trumbell, CT 06611, United States; phone: (800) 946–4337; email: *wcs_cust_service_eng.gr-sik@lmco.com;* website: *www.sikorsky360.com.* You may view this service information 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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0146; 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, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dorie Resnik, Aerospace Engineer, Aviation Safety Section, Boston ACO Branch, Compliance & Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7693; email *9-AVS-AIR-BACO-COS@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–2022–0146; Project Identifier AD–2021–00449–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 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 proposed AD.

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 Dorie Resnik, Aerospace Engineer, Aviation Safety Section, Boston ACO Branch, Compliance & Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; telephone (781) 238–7693; email *9-AVS-AIR-BACO-COS@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 2020–26–13, Amendment 39–21368 (85 FR 84201, December 28, 2020) (AD 2020–26–13) for Sikorsky Model S–92A helicopters with forward root fitting part number (P/N) 92209–07111–101 or 92070–20125–101; or stabilizer strut fitting P/N 92209–07404–041, 92209–07403–041, or 92070–20117–041 installed on horizontal stabilizer assembly (stabilizer assembly) P/N 92070–20117–045, 92070–20117–046, 92070–20125–041, 92070–20125–042, 92070–20125–043, 92070–20125–044, 92205–07400–043, or 92205–07400–045. AD 2020–26–13 was prompted by seven incidents of fatigue cracks in forward root fittings. Fatigue cracking in a forward root fitting degrades the load path and increases the load on other assembly parts, particularly at the aft horizontal stabilizer attachment points; therefore AD 2020–26–13 requires determining the total hours time-in-service (TIS) of the forward root fitting and the stabilizer strut fitting, establishing a life limit of 7,900 total hours TIS for certain part-numbered forward root fittings, and establishing a life limit of 19,100 total hours TIS for certain stabilizer strut fittings. For certain part-numbered stabilizer strut fittings, AD 2020–26–13 also requires repetitive inspections of certain parts of an affected stabilizer strut assembly. The FAA issued AD 2020–26–13 to prevent a forward root fitting from remaining in service beyond its life limit and to detect fatigue cracking in a forward root fitting and prevent increased load and stress cracking in the stabilizer root fitting aft.

Actions Since AD 2020–26–13 Was Issued

Since the FAA issued AD 2020–26–13, Sikorsky notified the FAA that incorrect P/Ns are identified in the Applicability and the Required Actions paragraphs of AD 2020–26–13. This NPRM would expand the applicability of AD 2020–26–13 by adding an additional part-numbered stabilizer assembly. This NPRM would correct paragraph (g)(4) of the Required Actions so that the installation of the titanium stabilizer strut fitting P/N 92209–07404–041 is terminating action for the 50-hour TIS inspections of the aluminum stabilizer strut fitting P/N 92070–20117–04 or 92209–07403–041.

Sikorsky also notified the FAA that an additional repetitive inspection of certain parts of the stabilizer strut assembly is required to prevent the unsafe condition; this NPRM includes this repetitive inspection. Additionally, since AD 2020–26–13 was issued, Sikorsky requested and the FAA approved a global Alternative Method of Compliance (AMOC) to allow only removing parts from service that are cracked, corroded, or have fretting, deformation, or wear rather than require removing the upper and lower support strut rod ends, including lug and conical fitting and both upper and lower attachment fittings on the stabilizer from service. This NPRM incorporates that global AMOC into the proposed requirements.

FAA's Determination

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.

Related Service Information Under 1 CFR Part 51

This proposed AD would continue to require S–92 Maintenance Manual, SA S92A–AMM–000, Temporary Revision (TR) 55–33, dated March 24, 2020 (TR 55–33), which the Director of the Federal Register approved for incorporation by reference as of February 1, 2021 (85 FR 84201, December 28, 2020).

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

Other Related Service Information

The FAA reviewed S–92 Maintenance Manual SA S92A–AWL–000, TR No. 4–58, dated October 2, 2017 (TR 4–58), and S–92 Maintenance Manual SA S92A–AWL–000, TR No. 4–66 dated November 20, 2019 (TR 4–66). This service information revises Task 4–00–00–200–000, Table 1 Replacement Schedule, dated November 30, 2015. Both TR 4–58 and 4–66 revise the Airworthiness Limitations Schedule by removing certain part-numbered components, introducing new part-numbered components, and establishing replacement intervals and recurring inspections for the forward root fitting and the horizontal stabilizer strut fitting. TR 4–58 also specifies inspecting the horizontal stabilizer and attaching hardware at a recurring interval of 250 hours TIS.

Proposed AD Requirements in This NPRM

This proposed AD would require determining the total hours TIS of the forward root fitting and the stabilizer strut fitting. This proposed AD would also require establishing a life limit of 7,900 total hours TIS for certain part-numbered forward root fittings and establishing a life limit of 19,100 total hours TIS for stabilizer strut fitting P/N 92070–20117–041. Finally, this proposed AD would require for certain part-numbered stabilizer strut fittings installed, repetitively visually inspecting the following at intervals not to exceed 50 hours TIS:

- The hat bushing and both upper and lower fittings for a crack, corrosion, fretting, deformation, and wear.
- Both upper and lower support strut rod ends, including each lug and conical fitting, and both upper and lower attachment fittings on the stabilizer and pylon, including the bushings, for a crack, corrosion, fretting, deformation, and wear.
- The surface of each Mylar washer P/N 92070–20117–104 on certain stabilizer assemblies.

This proposed AD would also require repetitively inspecting the following at intervals not to exceed 250 hours TIS or one year, whichever occurs first:

- Each stabilizer attachment bolt and barrel nut set for corrosion, a crack, and damage to the threads indicated by uneven threads, missing threads, or cross-threading.
- Each forward root fitting and aft attachment fitting, including inspecting the bolt holes and fastener holes for a crack, wear, and corrosion; or as an alternative to detect any crack, fluorescent penetrant inspecting (FPI) the area.
- Each forward and aft attachment fitting mating surface for wear of the abrasion-resistant Teflon coating and degradation. For the purposes of this inspection, degradation may be indicated by fretting. If there is any wear of the coating or fretting, this proposed AD would require stripping the coating and performing a FPI or eddy current inspection to inspect for a crack. If there is no crack, this proposed AD would require recoating the surfaces.

Depending on the inspection results, this proposed AD would require removing parts from service before further flight.

Finally, this proposed AD would prohibit installing stabilizer assembly P/N 92205–07400–043, 92205–07400–045, and 92205–07400–047 on any helicopter.

Differences Between This Proposed AD and the Service Information

The service information specifies that returning affected parts to a Sikorsky specialist is required; whereas this proposed AD would not include this requirement.

Costs of Compliance

The FAA estimates that this proposed AD would affect 82 helicopters of U.S. registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Visually inspecting the stabilizer assembly and attached hardware would take about 3 work-hours for an estimated cost of $255 per helicopter and $20,910 for the U.S. fleet per inspection cycle.

If required, replacing a hat bushing and both upper fittings and lower fittings would take about 1 work-hour and parts would cost about $10,000 for an estimated cost of $10,085 per replacement.

If required, replacing the upper and lower support strut rod ends, including lug and conical fitting, would take about 1 work-hour and parts would cost about $10,000 for an estimated cost of $10,085 per replacement.

If required, replacing Mylar washers would take about 0.5 work-hour and parts would cost about $76 for an estimated cost of $119 per replacement.

If required, performing a fluorescent penetrant inspection would take about 3 work-hours for an estimated cost of $255 per inspection.

If required, replacing a stabilizer assembly would take about 6 work-hours and parts would cost about $312,000 for an estimated cost of $312,510 per replacement.

If required, replacing a forward root fitting would take about 10 work-hours and parts would cost about $25,000 for an estimated cost of $25,850 per replacement.

If required, replacing a stabilizer strut fitting would take about 10 work-hours and parts would cost about $10,000 for an estimated cost of $10,850 per replacement.

If required, replacing a forward root fitting and an aft attachment fitting would take about 20 work-hours and parts would cost about $50,000 for an estimated cost of $51,700 per replacement.

If required, removing wear or corrosion and applying corrosion preventative compound would take about 0.5 work-hour and parts would cost a nominal amount for an estimated cost of $43 per action.

If required, replacing a stabilizer attachment bolt and barrel nut set would take about 1 work-hour and parts would cost about $500 for an estimated cost of $585 per replacement.

If required, replacing a fastener would take about 0.1 work-hour and parts would cost a nominal amount for an estimated cost of $9 per fastener.

If required, removing the abrasion-resistant Teflon coating to inspect each forward and aft attachment fitting mating surface would take about 5 work-hours for an estimated cost of $425 per inspection.

If required, applying alodine or equivalent and applying abrasion-resistant Teflon coating would take about 5 work hours with minimal parts cost for an estimated cost of $425 per application.

According to Sikorsky, 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 this 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 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 2020–26–13, Amendment 39–21368 (85 FR 84201, December 28, 2020); and

■ b. Adding the following new airworthiness directive:

Sikorsky Aircraft Corporation: Docket No. FAA–2022–0146; Project Identifier AD–2021–00449–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 11, 2022.

(b) Affected ADs

This AD replaces AD 2020–26–13, Amendment 39–21368 (85 FR 84201, December 28, 2020) (AD 2020–26–13).

(c) Applicability

This AD applies to Sikorsky Aircraft Corporation Model S–92A helicopters, certificated in any category, with the following installed: Horizontal stabilizer root fitting FWD (forward root fitting) part number (P/N) 92209–07111–101 or 92070–20125–101; or stabilizer strut fitting P/N 92209–07403–041 or 92070–20117–041 installed on horizontal stabilizer assembly (stabilizer assembly) P/N 92070–20117–045, 92070–20117–046, 92070–20125–041, 92070–20125–042, 92070–20125–043, 92070–20125–044, 92205–07400–043, 92205–07400–045, or 92205–07400–047.

(d) Subject

Joint Aircraft System Component (JASC) Code 5510, Horizontal Stabilizer Structure.

(e) Unsafe Condition

This AD was prompted by incidents of fatigue cracks in a forward root fitting and life limit recalculations for forward root fitting P/N 92209–07111–101 and 92070–20125–101. The FAA is issuing this AD to prevent a forward root fitting from remaining in service beyond its life limit, detect fatigue cracking in a forward root fitting, and prevent increased load and stress cracking in the stabilizer root fitting aft. The unsafe condition, if not addressed, could result in failure of a stabilizer root fitting, separation of the stabilizer assembly from the helicopter,

and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD:

(i) Determine the total hours TIS of the forward root fitting P/N 92209–07111–101 or 92070–20125–101. If the total hours TIS of the forward root fitting is unknown, use the total hours TIS of the stabilizer assembly instead.

(A) If the forward root fitting has accumulated 7,900 or more total hours TIS, before further flight, remove the forward root fitting from service.

(B) If the forward root fitting has accumulated less than 7,900 total hours TIS, before exceeding 7,900 total hours TIS, remove the forward root fitting from service.

(ii) Thereafter following paragraph (g)(1)(i) of this AD, remove the forward root fitting from service before accumulating 7,900 total hours TIS.

(iii) For stabilizer assemblies with stabilizer strut fitting P/N 92070–20117–041 installed, perform the following actions:

(A) Determine the total hours TIS of stabilizer strut fitting P/N 92070–20117–041.

(B) If the stabilizer strut fitting has accumulated 19,100 or more total hours TIS, before further flight, remove the stabilizer strut fitting from service.

(C) If the stabilizer strut fitting has accumulated less than 19,100 total hours TIS, before exceeding 19,100 total hours TIS, remove the stabilizer strut fitting from service.

(iv) Thereafter following paragraph (g)(1)(iii) of this AD, remove the stabilizer strut fitting from service before accumulating 19,100 total hours TIS.

(2) For helicopters with stabilizer strut fitting P/N 92070–20117–041 or 92209–07403–041 installed, within 50 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 50 hours TIS:

(i) Remove the support strut and using a cheese cloth (or similar cloth) and isopropyl alcohol, clean the upper and lower support strut rod ends, horizontal stabilizer attachment fitting, and the tail rotor pylon attachment fitting.

(ii) If installed, visually inspect the surface of each Mylar washer P/N 92070–20117–104 (Mylar washer). The surface should be smooth and continuous. If there is any visible damage such as any tear or scrape, remove the Mylar washer from the peelable-ply washer P/N 92070–20117–105 (peelable-ply washer) and remove the Mylar washer from service as follows:

(A) Dampen a low-lint cloth with 3M 6041 adhesive remover and place on the top of the Mylar washer.

(B) Allow the adhesive remover to soften the Mylar washer and peel the Mylar washer back.

(C) Repeat with more solvent until the Mylar washer and adhesive are removed.

(D) Clean the peelable-ply washer with cheese cloth moistened with isopropyl alcohol and adhere a new Mylar washer to the peelable-ply washer.

Note 1 to paragraph (g)(2)(ii): Stabilizer assembly P/Ns 92070–20125–041, 92070–20125–042, 92070–20125–043, and 92070–20125–044 do not utilize the Mylar washer. The inspection of the Mylar washer is not required on helicopters with stabilizer assembly P/N 92070–20125–041, 92070–20125–042, 92070–20125–043, or 92070–20125–044 installed.

(iii) Using a 10X or higher power magnifying glass, a flashlight, and a mirror, visually inspect the hat bushing and both upper fittings and lower fittings for a crack, corrosion, fretting, deformation, and wear. If there is a crack, corrosion, fretting, deformation, or wear on any part, before further flight, remove the part from service.

(iv) Using a 10X or higher power magnifying glass, a flashlight, and a mirror, visually inspect both upper and lower support strut rod ends, including each lug and conical fitting, and both upper and lower attachment fittings on the stabilizer and pylon including the bushings for a crack, corrosion, fretting, deformation, and wear. If there is a crack, corrosion, fretting, deformation, or wear on any part, before further flight, remove the part from service.

(3) Within 250 hours TIS or one year, whichever occurs first after the effective date of this AD, and thereafter at intervals not to exceed 250 hours TIS or one year, whichever occurs first:

(i) Remove the stabilizer assembly and visually inspect each stabilizer attachment bolt and barrel nut set for corrosion, a crack, and damage to the threads. For the purposes of this inspection, damage may be indicated by uneven threads, missing threads, or cross-threading.

(A) If there is corrosion within allowable limits, before further flight, treat for corrosion in accordance with FAA-approved procedures.

(B) If there is corrosion that exceeds allowable limits, or a crack, or damage to the threads, before further flight, remove the bolt and barrel nut set from service.

(ii) Inspect the forward root fitting and the aft attachment fitting by:

(A) Gaining access to the inside of the horizontal stabilizer.

(B) Using Brulin Cleaner SD 1291 (or equivalent) and a low-lint cloth, remove all traces of sealing compound, oil, and dirt from the stabilizer mounting surfaces.

(C) Using a 10X or higher magnifying glass, inspect for any crack, wear, and corrosion.

(*1*) If there is a crack, before further flight, remove the affected forward root fitting and the affected aft attachment fitting from service.

(*2*) If there is wear or corrosion that exceeds allowable limits, before further flight, remove the affected forward root fitting and the affected aft attachment fitting from service.

(*3*) If there is wear or corrosion within allowable limits, before further flight, treat for corrosion in accordance with FAA-approved procedures.

(D) Visually inspect each attachment fitting bolt hole and fastener hole for a crack, wear, and corrosion.

(*1*) If there is a crack, before further flight, remove the affected forward root fitting and the affected aft attachment fitting from service.

(*2*) If there is wear or corrosion that exceeds allowable limits, before further flight, remove the affected forward root fitting and the affected aft attachment fitting from service.

(*3*) If there is wear or corrosion within allowable limits, before further flight, treat for corrosion in accordance with FAA approved procedures.

(E) Inspect for loose or working fasteners. If there is a loose or working fastener, before further flight, remove the fastener from service.

(iii) As an alternative means to inspect for cracks in paragraphs (g)(3)(i) and (ii) of this AD, perform a florescent penetrate inspection (FPI).

(iv) Visually inspect each forward and aft attachment fitting mating surface for wear of the abrasion-resistant Teflon coating and degradation. For the purposes of this inspection, degradation may be indicated by fretting. Refer to Figure 204, of S–92 Maintenance Manual, SA S92A–AMM–000, Temporary Revision 55–33, Task 55–11–01–210–004, dated March 24, 2020 (TR 55–33), for a depiction of the area to be inspected. For the purposes of this inspection, wear may be indicated by less than 100% coverage of the abrasion-resistant Teflon coating. If there is wear to the abrasion-resistant Teflon coating or degradation, before further flight:

(A) Chemically strip the abrasion-resistant Teflon coating from the entire mounting pad in accordance with paragraph 7.A.(7)(a) of TR 55–33.

(B) FPI or eddy current inspect for a crack. If there is a crack, before further flight, remove the stabilizer assembly from service.

(C) If there is no crack, treat the affected area by applying alodine or equivalent. Apply abrasion-resistant Teflon coating in accordance with paragraphs 7.A.(7)(d) through (e) of TR 55–33.

(4) Installing stabilizer strut fitting P/N 92209–07404–041 is a terminating action for the requirements in paragraph (g)(2) of this AD.

(5) As of the effective date of this AD, do not install stabilizer assembly P/N 92205–07400–043, 92205–07400–045, or 92205–07400–047 on any helicopter.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston 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 Related Information.

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

(i) Related Information

(1) For more information about this AD, contact Dorie Resnik, Aerospace Engineer, Boston ACO Branch, 1200 District Avenue, Burlington, Massachusetts 01803; telephone 781–238–7693; email *9-AVS-AIR-BACO-COS@faa.gov.*

(2) For service information identified in this AD, contact Sikorsky's Engineering Group Sikorsky Aircraft Corporation, 124 Quarry Road, Trumbell, CT, 06611, United States; phone: (800) 946–4337; email: *wcs_cust_service_eng.gr-sik@lmco.com;* website: *www.sikorsky360.com.* You may view this referenced service information 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.

Issued on February 16, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03769 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 4 and 820

[Docket No. FDA–2021–N–0507]

RIN 0910–AH99

Medical Devices; Quality System Regulation Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is proposing to amend the device current good manufacturing practice (CGMP) requirements of the Quality System (QS) Regulation to align more closely with the international consensus standard for devices by converging with the quality management system (QMS) requirements used by other regulatory authorities from other jurisdictions (*i.e.,* other countries). We propose to do so through incorporating by reference an international standard specific for device quality management systems set by the International Organization for Standardization (ISO), the 2016 edition of ISO 13485 (ISO 13485). Through this rulemaking we also propose additional requirements to align with existing requirements in the Federal Food, Drug, and Cosmetic Act (FD&C Act) and its implementing regulations, and make conforming edits to the Code of Federal Regulations (CFR) to clarify the device CGMP requirements for combination products. This action, if finalized, will continue our efforts to align our regulatory framework with that used by other regulatory authorities to promote consistency in the regulation of devices and provide timelier introduction of safe, effective, high-quality devices for patients.

DATES: Submit either electronic or written comments on the proposed rule by May 24, 2022. Submit written comments (including recommendations) on the collection of information under the Paperwork Reduction Act of 1995 (PRA) by March 25, 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 May 24, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 24, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0507 for ''Medical Devices; Quality System Regulation Amendments.'' 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.

Submit comments on information collection under the PRA to the Office of Management and Budget (OMB) at *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The title of this proposed collection is ''Medical Devices; Quality Management System.''

FOR FURTHER INFORMATION CONTACT: *With regard to the proposed rule:* Keisha Thomas or Melissa Torres, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20903, 301–796–2001, *Proposed-Device-QMSR-Rule@fda.hhs.gov.*

With regard to the information collection: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary
- A. Purpose of the Proposed Rule
- B. Summary of the Major Provisions of the Proposed Rule
- C. Legal Authority
- D. Costs and Benefits

II. Table of Abbreviations/Commonly Used Acronyms in This Document
III. Background
- A. Introduction
- B. Need for the Regulation
- C. FDA's Current Regulatory Framework
- D. History of the Rulemaking
- E. Incorporation by Reference

IV. Legal Authority
V. Description of the Proposed Rule
- A. Scope (Proposed § 820.1)
- B. Definitions (Proposed § 820.3)
- C. Incorporation by Reference (Proposed § 820.7)
- D. Proposed Requirements for a Quality Management System (Proposed § 820.10)
- E. Proposed Clarification of Concepts (Proposed § 820.15)
- F. Proposed Supplementary Provisions (Proposed Subpart B)
- G. Proposed Conforming Amendments

VI. Proposed Effective Date and Implementation Strategy
VII. Preliminary Economic Analysis of Impacts
VIII. Analysis of Environmental Impact
IX. Paperwork Reduction Act of 1995
X. Federalism
XI. Consultation and Coordination With Indian Tribal Governments
XII. References

I. Executive Summary

A. Purpose of the Proposed Rule

FDA has historically recognized the benefits of harmonization with other regulatory authorities and over time has taken a number of actions to promote consistency with its regulatory counterparts. As part of such activities, FDA is proposing to revise its device CGMP requirements as set forth in the QS regulation, codified in part 820 (21 CFR part 820). Through this proposed rulemaking, FDA intends to converge its requirements with quality management system requirements used by other regulatory authorities. FDA seeks to accomplish this primarily by incorporating by reference the 2016 edition of International Organization for Standardization (ISO) 13485 (ISO 13485). This rule, if finalized, would harmonize quality management system requirements for devices with requirements used by other regulatory authorities. Such harmonization should provide patients more efficient access to necessary devices, leading to improvement of life quality of the consumers.

B. Summary of the Major Provisions of the Proposed Rule

We are proposing to amend the current part 820, primarily, through incorporating by reference the quality management system requirements of ISO 13485. We have determined that the requirements in ISO 13485 are, when taken in totality, substantially similar to the requirements of the current part 820, providing a similar level of assurance in a firm's quality management system and ability to consistently manufacture devices that are safe and effective and otherwise in compliance with the FD&C Act. As such, we propose to withdraw the requirements in the current part 820, except that we propose to retain the scope of the current regulation and to retain and modify, as indicated below, a number of the definitions in the current part 820. We are also proposing to amend the title of the regulation and add FDA-specific requirements and provisions that clarify certain concepts used in ISO 13485. The result will be referred to as the Quality Management System Regulation (QMSR). These additions will ensure that the incorporation by reference of ISO 13485 does not create inconsistencies with other applicable FDA requirements. FDA is also proposing conforming edits to part 4 (21 CFR part 4) to clarify the device QMS requirements for combination products. These edits would not impact the CGMP requirements for combination products. The rule, if finalized, would converge QS regulation with the QMS requirements of ISO 13485, while continuing to provide the same level of assurance of safety and effectiveness under the FD&C Act and its implementing regulations. The Agency solicits comments on specific subject areas related to this proposed rule that FDA should consider in seeking to converge U.S. requirements with requirements used by other regulatory authorities in ways that are consistent with FDA's authority under the FD&C Act.

C. Legal Authority

We are proposing to issue this rule under the same authority that FDA initially invoked to issue the current part 820 and combination product regulations, as well as the general administrative provisions of the FD&C Act (21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360*l,* 371, 374, 381, 383; 42 U.S.C. 216, 262, 263a, 264).

D. Costs and Benefits

We estimate that the proposed rule will result in an annualized net cost savings (benefits) of approximately $439 million over 10 years at a discount rate of 3 percent. When we assume a discount rate of 7 percent, the annualized net cost savings are approximately $533 million. The benefit of the proposed rule is estimated in terms of reduction of compliance effort, and consequently cost savings, for medical device establishments that currently comply with both standards. The costs of the rule include initial training of personnel, and information technology and documentation update for the medical device industry and the FDA. There is also a one-time cost of reading and learning the rule for the medical device establishments.

If finalized, in addition to the cost savings to the medical device industry, the qualitative benefits of the proposed rule include quicker access to newly developed medical devices for patients, leading to improvement of life quality of the consumers. The proposed rule, if finalized, would also align the current part 820 with other related programs potentially contributing to additional cost savings.

II. Table of Abbreviations/Commonly Used Acronyms in This Document

Abbreviation/acronym	What it means
ANSI	American National Standards Institute.
CD	Committee Draft.
CFR	Code of Federal Regulations.
CGMP	Current Good Manufacturing Practice.
DGMP	Device Good Manufacturing Practice.
DMR	Device Master Record.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
FDA	Food and Drug Administration.
GHTF	Global Harmonization Task Force.
GMP	Good Manufacturing Practice.
IBR	Incorporated by Reference.
IMDRF	International Medical Device Regulators Forum.
ISO	International Organization for Standardization.
ISO 13485	International Organization for Standardization 13485:2016.
ISO 9000	Quality Management Systems—Fundamentals and Vocabulary,'' ISO 9000:2015.
MDSAP	Medical Device Single Audit Program.
NARA	National Archives and Records Administration.
OMB	Office of Management and Budget.
QMS	Quality Management System.
QMSR	Quality Management System Regulation.
QS	Quality System.
QSIT	Quality System Inspection Technique.
SMDA	Safe Medical Devices Act of 1990.
UDI	Unique Device Identification.

III. Background

A. Introduction

QMSs specify requirements to help manufacturers ensure that their products consistently meet applicable customer and regulatory requirements and specifications (Ref. 1). In the United States, authority for the QS regulation for devices is found under section 520(f) of the FD&C Act (21 U.S.C. 360j(f)), which the FD&C Act refers to as CGMP requirements. FDA issued a final rule for CGMP requirements in the **Federal Register** of July 21, 1978 (43 FR 31508), which created part 820 (Ref. 2).

As described below, FDA significantly revised part 820 in a final rule published in the **Federal Register** of October 7, 1996 (61 FR 52602, effective June 1, 1997) (1996 Final Rule), establishing the current QS regulation. As revised, part 820 includes requirements related to the methods used in, and the facilities and controls used for, designing, manufacturing, packaging, labeling, storing, installing, and servicing of devices intended for human use. These requirements are intended to assure that devices are safe and effective and otherwise in compliance with the FD&C Act. FDA has not undertaken a significant revision of part 820 since the 1996 Final Rule. Part 820 has been an effective regulation, providing assurance that devices are safe and effective and otherwise in compliance with applicable sections of the FD&C Act.

Also in 1996, ISO issued the first version of ISO 13485, ''Quality systems—Medical devices—Particular requirements for the application of ISO 9001,'' as a voluntary consensus standard to specify, in conjunction with the application of ISO 9001, the QMS requirements for the design/development and, when relevant, installation and servicing of medical devices (Refs. 3 and 4). Over time, ISO 13485 has evolved into a stand-alone standard outlining QMS requirements for devices (Ref. 1). With each revision, ISO 13485 has become more closely aligned with, and similar to, the requirements in part 820. This alignment and similarity are particularly true for the 2016 version of ISO 13485. Recognizing this progression, FDA sees an opportunity for regulatory harmonization by proposing to amend the current part 820 regulation to explicitly incorporate the QMS requirements of ISO 13485. ISO 13485 is used internationally by many regulatory authorities either as a foundation for or as that country's QMS requirements for device manufacturers and is utilized in regulatory harmonization programs such as the Medical Device Single Audit Program (MDSAP), in which FDA and regulatory authorities from four other countries participate (Ref. 5).

The current part 820 applies to many different devices and thus does not prescribe in detail how a manufacturer must design and manufacture a specific device. Rather, the regulation was developed to be a mandatory and flexible framework, requiring manufacturers to develop and follow procedures and processes, as appropriate to a given device, according to the state-of-the-art for manufacturing and designing such device. Successful compliance with this regulation provides the manufacturer with a framework for achieving quality throughout the organization (Ref. 1).

While part 820 effectively addresses the requirements for a QMS, FDA has long recognized the value of, and has been exploring ways to effect, global harmonization for the regulation of devices. For example, FDA has actively participated in the development of internationally harmonized documents and standards on risk management since their inception, including the development of the Global Harmonization Task Force (GHTF) guidance document, ''Implementation of Risk Management Principles and Activities Within a Quality Management System,'' dated May 20, 2005, which outlines the integration of a risk management system into a QMS (Ref. 6). FDA also participated in the development of the various versions of ISO 14971 ''Medical Devices—Application of Risk Management to Medical Devices'' (Ref. 7).

In 2012, FDA developed a voluntary audit report submission pilot program, which is no longer operational, in which FDA accepted a manufacturer's ISO 13485:2003 audit report (Ref. 8). Through this program, FDA established the feasibility and use of ISO 13485 audit reports in lieu of FDA's routine inspections covering the QS regulation requirements. Additionally, FDA participates in the International Medical Device Regulators Forum (IMDRF), a voluntary group of medical device regulators from around the world

focused on regulatory harmonization and convergence (Ref. 9). IMDRF developed MDSAP in 2012. Under MDSAP, audits are conducted based on core ISO 13485 requirements with additional country-specific requirements. In determining whether to participate in MDSAP and which FDA-specific provisions were needed for the United States, FDA conducted a thorough review and comparison of ISO 13485 and part 820 and concluded that very few FDA-specific requirements needed to be added to this audit model, demonstrating not only the similarities between the current part 820 and ISO 13485, but the comprehensive QMS approach provided by ISO 13485. This has allowed FDA to participate in MDSAP and accept certain MDSAP audits as a substitute for its own routine surveillance of device quality systems (Ref. 5).

Through our participation in MDSAP, FDA has gained experience with ISO 13485 and determined that it provides a comprehensive and effective approach to establish a QMS for devices. As such, FDA is proposing to amend the device CGMP requirements of the QS regulation by incorporating by reference the 2016 edition of ISO 13485 as well as proposing additional regulations that help connect and align ISO 13485 with other FDA requirements. The 2016 version of ISO 13485 provides requirements for a QMS that allow a manufacturer to demonstrate its ability to provide devices and related services that consistently meet customer requirements and regulatory requirements applicable to such devices and services (Ref. 1). These requirements can be used by ''an organization involved in one or more stages of the life cycle of a medical device, including design and development, production, storage and distribution, installation, servicing and final decommissioning and disposal of medical devices'' (Ref. 1).

FDA believes that globally harmonizing the regulation of devices will help provide consistent, safe, and effective devices, contributing to public health through timelier access for patients. Harmonizing differing regulations would remove unnecessary duplicative regulatory requirements and impediments to market access and remove barriers to patient access and costs. The more flexible approach to quality, based on risk management, found within ISO 13485 will meet the needs of patients to have access to quality devices in consonance with the progress of science and technology (Ref. 9).

B. Need for the Regulation

Currently, device manufacturers registered with the FDA must comply with the current part 820. In addition to the current part 820, registered manufacturers in many other jurisdictions and domestic manufacturers that export devices must comply with ISO 13485, which is substantially similar to the current part 820. As a result, there is redundant effort for some manufacturers in complying with both the current part 820 and ISO 13485. The redundancy of effort to comply with two substantially similar requirements creates inefficiency. In order to address this inefficiency, we propose to incorporate by reference ISO 13485 requirements so that compliance with ISO 13485 would satisfy requirements of current part 820. Although the requirements under the current part 820 are effective and very similar to those in ISO 13485, incorporating ISO 13485 by reference would further the Agency's goals for regulatory simplicity and global harmonization and should reduce burdens on regulated industry, thereby providing patients more efficient access to necessary devices (Ref. 9).

C. FDA's Current Regulatory Framework

The FD&C Act, as amended, and its implementing regulations establish a comprehensive system for the regulation of devices intended for human use. The device CGMP requirements in the current part 820 were authorized by section 520(f) of the FD&C Act, which was among the authorities added to the FD&C Act by the Medical Device Amendments of 1976 (Pub. L. 94–295). Under section 520(f) of the FD&C Act, FDA issued the current part 820 regulation, which was last revised in 1996.

In addition, section 520(f)(1)(B) of the FD&C Act directs the Agency to afford the Device Good Manufacturing Practice Advisory Committee (DGMP Advisory Committee) an opportunity to submit recommendations for proposed CGMP regulations, to afford an opportunity for an oral hearing, and to ensure that such regulations conform, to the extent practicable, with internationally recognized standards defining quality management systems, or parts of the standards, for devices (see 21 U.S.C. 360j(f)(1)(B)). The DGMP Advisory Committee reviews regulations proposed for promulgation regarding good manufacturing practices and makes recommendations to the Agency regarding the feasibility and reasonableness of the proposed regulations. The Agency will convene a DGMP Advisory Committee meeting and afford an opportunity for an oral hearing to discuss this proposal prior to FDA's finalization of this rule.

Further, the provisions of sections 501(a)(2)(B) and (h) of the FD&C Act (21 U.S.C. 351(a)(2)(B) and (h)) require the manufacture of drugs and devices to comply with CGMP requirements, and section 520(f) of the FD&C Act specifically authorizes the issuance of CGMP regulations for devices, including device constituent parts of products that constitute a combination of a drug, device, and/or biological product, as defined in § 3.2(e) (21 CFR 3.2(e)) (''combination products''). Combination products that include device constituent parts have a distinct regulatory framework for CGMP requirements because the product, by definition, also includes non-device constituent parts (*e.g.,* a drug or a biological product). In the **Federal Register** of January 22, 2013 (78 FR 4307), we issued a final rule codifying the CGMP requirements applicable to combination products at part 4. We issued the part 4 regulations, in part, under sections 501(a)(2)(B) and (h) and 520(f) of the FD&C Act and are proposing to amend part 4 under the same authorities.

In that final rule, we explained that the CGMP requirements specific to each constituent part of a combination product also apply to the combination product itself because, by definition, combination products consist of drugs, devices, and/or biological products (see 78 FR 4307 at 4320, citing § 3.2(e)). We also explained that, because the constituent parts of a combination product retain their regulatory status (as a drug or device, for example) after they are combined, all combination products are subject to at least two sets of CGMP requirements, but that those for drugs overlap considerably with the part 820 requirements for devices (see 78 FR 4307 at 4320). Part 4 clarifies the applicability of the various CGMP requirements to provide a streamlined option for practical implementation for co-packaged and single-entity combination products (see 78 FR 4307 at 4320 and § 4.4 (21 CFR 4.4)). Because of the similarity of the drug and device CGMP requirements, FDA considers demonstrating compliance with one of these two sets of regulations (*e.g.,* device CGMP requirements) along with demonstrating compliance with the specified provisions from the other set (*e.g.,* drug CGMP requirements) identified in part 4 as demonstrating compliance with all CGMP requirements from both sets (see 78 FR 4307 at 4320 and § 4.4).

D. History of the Rulemaking

This proposed rulemaking is the first revision of the current part 820 since 1996. As previously described, FDA has had a longstanding interest and history of participation in efforts to harmonize its regulatory requirements with the requirements used by other regulatory authorities from various jurisdictions (*i.e.,* other countries). This rulemaking is a continuation of these efforts and, if finalized, will harmonize FDA's quality management system regulation with requirements of the international standard ISO 13485, which is used by other regulatory authorities. Harmonizing the FDA standard with the ISO standard would have benefits for manufacturers because many firms producing devices for sale within the United States and abroad have to comply with both standards. If finalized, this rule would require compliance with an aligned set of requirements, instead of two different requirements.

On July 21, 1978, FDA issued a final rule in the **Federal Register** (43 FR 31508), establishing CGMP requirements for medical devices under section 520(f) of the FD&C Act. This rule became effective on December 18, 1978, and is codified under part 820.

The Safe Medical Devices Act of 1990 (SMDA) (Pub. L. 101–629) amended section 520(f) of the FD&C Act to provide FDA with the authority to add preproduction design controls to the CGMP regulation. This change in law was based on findings that a significant proportion of device recalls were attributable to faulty product design. The SMDA also added section 803 to the FD&C Act, which, among other things, authorizes the Agency to enter into agreements with foreign countries to facilitate commerce in devices, and in such agreements, FDA must encourage the mutual recognition of GMP regulations under section 520(f) of the FD&C Act (see 21 U.S.C. 383(b)(1)).

To implement the SMDA changes to section 520(f) of the FD&C Act, FDA revised part 820 by the 1996 Final Rule (61 FR 52602). This final rule revised the CGMP requirements for medical devices and promulgated the QS regulation under part 820 in its current form. As part of this revision, FDA added the design controls authorized by the SMDA in addition to other changes to achieve consistency with QMS requirements worldwide. At the time, the Agency sought to harmonize the CGMP regulations, to the extent possible, with the requirements for quality management systems contained in then-applicable international standards. In particular, FDA worked closely with the GHTF and ISO Technical Committee 210 (TC 210) to develop a regulation consistent with both ISO 9001:1994, Quality Systems—Model for Quality Assurance in Design, Development, Production, Installation, and Servicing; and the ISO committee draft (CD) revision of ISO/CD 13485 Quality Systems—Medical Devices—Supplementary Requirements to ISO 9001 (see 61 FR 52602 at 52604).

E. Incorporation by Reference

FDA is proposing to incorporate by reference ISO 13485:2016 Medical devices—Quality management systems—Requirements for regulatory purposes, Third Edition 2016–03–01. ISO is an independent, non-governmental international organization with a membership of national standards bodies. ISO 13485 specifies requirements for a QMS that can be used by a manufacturer involved in one or more stages of the life cycle of a medical device, including design and development, production, storage and distribution, installation, servicing and final decommissioning and disposal of medical devices, or provision of associated activities.

You may view the material at the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–420–7500. The material can also be found in a read-only format at the American National Standards Institute (ANSI) Incorporated by Reference (IBR) Portal, *https://ibr.ansi.org/Standards/iso1.aspx,* or you may purchase a copy of the material from the International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland; +41–22–749–01–11; *customerservice@iso.org, https://www.iso.org/store.html.* ISO 13485 provides a comprehensive approach to establish a QMS for medical devices.

FDA is proposing to incorporate by reference the current 2016 version of ISO 13485. Any future revisions to this standard would need to be evaluated to determine the impact of the changes and whether this rule, if finalized, should be amended. If deemed necessary and appropriate, FDA will update the final regulation in accordance with the Administrative Procedure Act (5 U.S.C. 553) and obtain approval of any changes to the incorporation by reference in accordance with 1 CFR part 51.

IV. Legal Authority

We are proposing to issue this rule under the same authority that FDA initially invoked to issue the current Quality System Regulation (part 820) and Regulation of Combination Products (part 4), as well as the general administrative provisions of the FD&C Act: 21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360l, 371, 374, 381, 383; 42 U.S.C. 216, 262, 263a, 264.

V. Description of the Proposed Rule

We are proposing to amend the current part 820, primarily to incorporate by reference ISO 13485, Medical Devices—Quality Management System Requirements for Regulatory Purposes. While the current part 820 provides sufficient and effective requirements for the establishment and maintenance of a QMS, regulatory expectations for a QMS have evolved since the current part 820 was implemented over 20 years ago. By proposing to incorporate ISO 13485 by reference, we are seeking to explicitly require current internationally recognized regulatory expectations for QMS for devices subject to FDA's jurisdiction. The resulting regulation will be referred to as the QMSR.

The current part 820 requirements are, when taken in totality, substantially similar to the requirements of ISO 13485. Where ISO 13485 diverges from the current part 820, these differences are generally consistent with the overall intent and purposes behind FDA's regulation of QMSs. Almost all requirements in the current part 820 correspond to requirements within ISO 13485. Therefore, we are proposing to amend the current part 820 by withdrawing the majority of the requirements for establishing and maintaining a QS. Despite these changes, this proposal does not fundamentally alter the requirements for a QS that exist in the current part 820. The rule, if finalized, would converge QS regulation with the QMS requirements of ISO 13485, while continuing to provide the same level of assurance of safety and effectiveness under the FD&C Act and its implementing regulations.

However, we recognize that reliance on ISO 13485 without clarification or modification could create inconsistencies with FDA's statutory and regulatory framework. Therefore, as detailed in this rulemaking, we are proposing additional definitions, clarifying concepts, and additional requirements, all of which would require compliance within a manufacturer's QMS in addition to ISO 13485. The Agency solicits comments on specific subject areas related to this proposed rule that FDA should consider in seeking to converge U.S. requirements with requirements used by other regulatory authorities in ways that

are consistent with FDA's authority under the FD&C Act.

Our approach to this rulemaking is to simplify and streamline the regulation. Where possible, we either are proposing to accept the incorporated requirement without modification or are proposing a requirement that will supersede the correlating requirement in ISO 13485. There are a few exceptions where we are proposing to clarify concepts or augment specific clauses in ISO 13485, but overall, we are not proposing to modify the clauses in ISO 13485. (see table 1). This philosophy also helps further regulatory convergence.

As discussed further in section VI., this rule is only proposing to amend the current part 820 and does not impact our inspectional authority under section 704 of the FD&C Act (21 U.S.C. 374). We are also proposing conforming edits to part 4 to clarify the device QMS requirements for combination products. These edits would not impact the CGMP requirements for combination products.

TABLE 1—HIGH-LEVEL SUMMARY OF 21 CFR PART 820 PROPOSED RULE DIFFERENCES AND ADDITIONS

Current part 820 [1]	ISO 13485 requirements [1]	Proposed rule
Subpart A—General Provisions	Clause 1. Scope, Clause 4. Quality Management System.	Requirements substantively similar.
Subpart B—QS Requirements	Clause 4. Quality Management System, Clause 5. Management Responsibility, Clause 6. Resource Management, Clause 8. Measurement, Analysis, and Improvement.	Requirements substantively similar.
Subpart C—Design Controls	Clause 7. Product Realization	Requirements substantively similar.
Subpart D—Document Controls [2]	Clause 4. Quality Management System	Differences addressed in 820.35.
Subpart E—Purchasing Controls	Clause 7. Product Realization	Requirements substantively similar.
Subpart F—Identification and Traceability	Clause 7. Product Realization	Requirements substantively similar.
Subpart G—Production and Process Controls	Clause 4. Quality Management System, Clause 6. Resource Management, Clause 7. Product Realization.	Requirements substantively similar.
Subpart H—Acceptance Activities	Clause 7. Product Realization, Clause 8. Measurement, Analysis, and Improvement.	Requirements substantively similar.
Subpart I—Nonconforming Product	Clause 8. Measurement, Analysis, and Improvement.	Requirements substantively similar.
Subpart J—Corrective and Preventive Action	Clause 8. Measurement, Analysis, and Improvement.	Requirements substantively similar.
Subpart K—Labeling and Packaging Control	Clause 7. Product Realization	Differences addressed in 820.45.
Subpart L—Handling, Storage, Distribution, and Installation.	Clause 7. Product Realization	Requirements substantively similar.
Subpart M—Records	Clause 4. Quality Management System	Differences addressed in 820.35.
Subpart N—Servicing	Clause 7. Product Realization	Differences addressed in 820.35.
Subpart O—Statistical Techniques	Clause 7. Product Realization, Clause 8. Measurement, Analysis, and Improvement.	Requirements substantively similar.

[1] This table is not intended to be a requirement-by-requirement analysis, but a higher-level mapping of the totality of the subparts and clauses of the standard and the QS regulation for reference purposes only.

[2] It's important to note that while there are differences specifically identified in subpart D, document requirements exist in most subparts and clauses of the standard and the QS Regulation.

A. Scope (Proposed § 820.1)

FDA is not proposing to modify which establishments or products are subject to part 820. As before, the requirements would apply to manufacturers of finished devices; however, FDA notes that the legal authority exists to cover manufacturers of components or parts of finished devices under this regulation should the need arise (see 61 FR 52602 at 52606).

The proposed modifications to the scope of the requirements are non-substantive, and include the following:

1. Clarify that conflicting regulations that are more specific are controlling only to the extent of the conflict.

The current § 820.1(b) states that when there is a conflict between regulations in part 820 and a specifically applicable regulation located in chapter I of title 21 of the CFR, the regulations that specifically apply to the device in question supersede other generally applicable requirements. A reader might interpret this provision to mean that the specifically applicable regulation renders the rest of the part 820 regulation completely inapplicable. The proposed amendment is intended to clarify that the generally applicable part 820 regulations apply to the extent they do not otherwise conflict with the specifically applicable regulation. Moreover, to the extent that any clauses of ISO 13485 conflict with any provisions of the FD&C Act and/or its implementing regulations, the FD&C Act and/or its implementing regulations will control.

2. Rearrange some of the content and add paragraph breaks for clarity and improved flow, for example, separating requirements for manufacturers of components or parts into a paragraph different from the one describing manufacturers of finished devices.

3. Remove the paragraph listing authority because the CFR already lists the legal authority for the regulation as a separate entry.

4. Relocate the enforcement provision to a new separate paragraph in § 820.10.

B. Definitions (Proposed § 820.3)

Definitions of key terms related to quality management systems appear in the current § 820.3 and in Clause 3 of ISO 13485. We have reviewed the definitions in ISO 13485 to determine their suitability for FDA's purposes. We find that most of the definitions in Clause 3 are acceptable; thus, unless identified in this section, we are not proposing any modifications to the terms and definitions in Clause 3 and are proposing to remove the correlating terms and definitions from the current part 820. In some cases, however, the current § 820.3 definitions include terms that ISO 13485 does not and vice versa. Further, there are some definitions in ISO 13485 that do not align with requirements in the FD&C Act and its implementing regulations.

To account for these differences and ensure consistency with such law and regulations, we are proposing to retain and/or revise certain definitions that are in the current part 820. We are also proposing to withdraw certain terms and definitions from the current part 820 that do not have a corollary in ISO 13485 because they are not needed to understand and implement the proposed part 820. Among the definitions being withdrawn from the current part 820 is the term ''establish''. Though the term establish is not defined in the ISO standard, section 0.2 states that when a requirement is required to be ''documented'', it is also required to be established, implemented, and maintained. We believe the clarification of this concept within the standard is sufficient to convey the current requirement for manufacturers to establish and maintain the regulatory requirements of a QMS.

1. Terms that do not appear in ISO 13485 but that are necessary for the purposes of part 820 (terms additional to ISO 13485) (Proposed § 820.3(a)).

For the terms that do not appear in ISO 13485, but are necessary to ensure alignment with the FD&C Act and its implementing regulations, we are proposing to retain the definitions of such terms with minor revisions, as indicated below.

We are proposing to retain the definition of Act (see § 820.3(a)) in current part 820, except we propose to expand the term to more precisely reflect the specific act to which the definition refers because FDA has the authority to promulgate regulations under other acts. The addition of ''Federal Food, Drug, and Cosmetic'' to this term will help avoid potential ambiguity if we amend part 820 in the future under a different authority.

We are also proposing to replace the term ''management with executive responsibility'' (see § 820.3(n)) in the current part 820 with the term ''top management'', which is used in ISO 13485, but is defined in ''Quality Management Systems—Fundamentals and Vocabulary,'' ISO 9000:2015 (ISO 9000) (Ref. 10). We propose to accomplish this by revising the name of the term to ''top management'' but retaining the definition in the current part 820. This will maintain the principle and requirement that the most senior employees of a manufacturer are responsible for establishing and making changes to the quality policy and ensuring the manufacturer follows the policy. FDA expects medical device manufacturers, led by top management, to embrace a culture of quality as a key component in ensuring safe and effective medical devices that otherwise comply with the FD&C Act. A culture of quality meets regulatory requirements through a set of behaviors, attitudes, activities, and processes. Top management ensures that applicable regulatory requirements are met through the integration of QS processes.

We are retaining the majority of the definition of ''rework''; however, we are proposing to remove the term ''device master record (DMR)'' (§ 820.3(j)) from the regulation. The device master record is not a term used in ISO 13485 and so this definition does not need to be retained. FDA believes the concept of a DMR is adequately covered under the requirements for a medical device file under Clause 4.2.3 of ISO 13485. We are retaining the definition of ''process validation'' (§ 820.3(z)(1)) and clarifying the concept. FDA recognizes the terms ''process validation'' and ''validation of processes'', the term used in ISO 13485, as synonymous. We are also proposing to include a definition for the term ''customer'', as it is important for interpretation of the proposed rule. Although FDA historically has not used the term ''customer'', we find it is a useful term and can encompass many types of individuals and organizations throughout the device manufacturing process, such as component manufacturers, contract manufacturers, and end users. Requirements related to customers are generally consistent with the overall intent and purposes behind FDA's regulation of device QMSs, which is to assure that finished devices will be safe and effective and otherwise in compliance with the FD&C Act. When considering the requirements related to customer property in ISO 7.5.10, FDA expects that manufacturers comply with this provision to the extent necessary to assure the safety and effectiveness of the devices being manufactured. For example, a manufacturer is expected to ensure that the integrity of a component provided by a contract manufacturer is not compromised before it is incorporated into the device being manufactured. To the extent any customer property requirements may be interpreted to go beyond the safety and effectiveness of the devices being manufactured, FDA does not intend to enforce this provision for such activities.

We are retaining without change the terms and definitions for ''component'' (§ 820.3(c)); ''finished device'' (§ 820.3(l)); ''human cell, tissue, or cellular or tissue-based product (HCT/P) regulated as a device'' (820.3(bb)); ''design validation'' (§ 820.3(z)(2)); ''remanufacturer'' (§ 820.3(w)); ''nonconformity'' (§ 820.3(q)); and ''verification'' (820.3(aa)) because these terms are necessary for implementing part 820.

2. Terms that are defined in ISO 13485, which we propose not to incorporate and are proposing definitions that supersede the definition of the similar term in the standard (Proposed § 820.3(b)).

There are a number of terms and definitions in ISO 13485 that would create inconsistencies with the FD&C Act and its implementing regulations. FDA cannot incorporate any definitions of terms that are inconsistent with how the FD&C Act defines such terms because FDA cannot, nor does it seek to, amend its statutory definitions by rulemaking. As such, we clarify that the definitions of terms in section 201 of the FD&C Act (21 U.S.C. 321) supersede the definitions in ISO 13485. In particular, the definitions of ''device'' and ''labeling'' in sections 201(h) and (m) of the FD&C Act, respectively, supersede the correlating definitions for ''medical device'' and ''labelling'' in ISO 13485.

In addition, we are proposing to retain the definition of ''manufacturer'' (§ 820.3(o)) and retain with modification the definition of ''product'' (§ 820.3(r)) from the current part 820 because the ISO 13485 definitions of these terms do not align with the established range of these terms by FDA. The definitions in proposed part 820 would supersede that of the correlating term in ISO 13485.

With regards to the definition of ''manufacturer'', we are proposing to retain our current definition because it is more comprehensive than the definition in ISO 13485. For example, FDA's definition contains a list of functions that when performed meet the definition of manufacturer. The comparable ISO 13485 definition does not include this level of detail in its definition. This definition is expanded upon in the notes to the ISO definition, which are guidance—not requirements. By explicitly including the functions that a manufacturer performs in the proposed definition, the Agency intends to maintain its original interpretation of this term and to clarify the functions that continue to be subject to the requirements of part 820.

A similar logic has been applied to the definition of ''product''. FDA's definition of product includes a list of items considered to be ''product'' for the purposes of part 820 that is not included in the definition in ISO 13485, but some of which are included in the notes to the ISO definition.

Additionally, we note that consistent with the clarification in clause 0.2, which specifies that ''when the term 'product' is used, it can also mean

'service','' for the requirements of clause 7.4 Purchasing we expect that when ensuring purchased products conform to requirements, oversight for purchased services are also included.

C. Incorporation by Reference (Proposed § 820.7)

As stated above, FDA is proposing to incorporate by reference the International Standard, ISO 13485:2016 Medical devices—Quality management systems—Requirements for regulatory purposes, Third Edition 2016–03–01. ISO 13485 provides a comprehensive approach to establish a quality management system for medical devices. If this proposed rule is finalized, it will provide most of the CGMP requirements for devices. We note that the definitions in ISO 9000 apply to ISO 13485; however, to the extent that there is any conflict between ISO 9000 and the FD&C Act and its implementing regulations, the FD&C Act and its implementing regulations would control.

While we recognize that adopting ISO 13485 could seem like a significant change, the current part 820 and ISO 13485 are substantially similar, and this effort promotes international harmonization. The substance of the ISO 13485 requirements and the activities and actions required for compliance are primarily the same as under the current part 820. ISO 13485 has a greater emphasis on risk management activities and risk-based decision making than the current part 820. Risk management for device manufacturers is the essential systematic practice of identifying, analyzing, evaluating, controlling, and monitoring risk throughout the product lifecycle to ensure that the devices they manufacture are safe and effective. The current part 820 explicitly addresses risk management activities only in the risk analysis requirement within design validation in § 820.30(g); whereas, risk management is more broadly integrated in ISO 13485. FDA, however, has expected that manufacturers, led by top management, integrate risk management activities throughout their QMS and across the total product lifecycle. FDA discussed risk management and risk-based decision making in several sections of the 1996 Final Rule establishing the current QS requirements. For example, while not specified in the requirements for Corrective and Preventive Action (§ 820.100), FDA states that it ''expect[s] the manufacturer to develop procedures for assessing the risk, the actions that need to be taken for different levels of risk, and how to correct or prevent the problem from recurring, depending on that risk assessment'' (61 FR 52602 at 52634). Additionally, FDA states that ''[w]hen conducting a risk analysis, manufacturers are expected to identify possible hazards associated with the design in both normal and fault conditions. The risks associated with the hazards, including those resulting from user error, should then be calculated in both normal and fault conditions. If any risk is judged unacceptable, it should be reduced to acceptable levels by the appropriate means'' (61 FR 52602 at 52620). FDA has, therefore, expected risk management throughout a QMS and the total product lifecycle.

Nonetheless, although the integration of risk management principles throughout ISO 13485 does not represent a shift in philosophy, the explicit integration of risk management throughout the clauses of ISO 13485 more explicitly establishes a requirement for risk management to occur throughout a QMS and should help industry develop more effective total product life-cycle risk management systems. Effective risk management systems provide the framework for sound decision making within a QMS and provide assurance that the devices will be safe and effective (see section 520(f) of the FD&C Act).

D. Proposed Requirement for a Quality Management System (Proposed § 820.10)

The current § 820.5 requires that manufacturers establish and maintain a quality management system that meets the requirements of part 820. We propose to relocate this requirement within the codified and to revise this provision to require that a quality management system that complies with ISO 13485, as modified by the proposed part 820, be documented. These requirements will serve as the minimum requirements for establishing a QMS that complies with the final version of this proposed rule. In general, when ISO 13485 refers to documenting evidence we recommend that manufacturers record quantitative data, as appropriate, because such information will assist manufacturers in monitoring the performance of their processes and effectiveness of their process controls.

In addition, there are many clauses throughout ISO 13485 that refer to ''applicable regulatory requirements.'' We propose to include the FDA requirements that must be completed when the listed term or clause is used, in order to assist manufacturers in understanding how ISO 13485 relates to other regulatory requirements for devices. We are only proposing to identify certain instances of the phrase ''applicable regulatory requirements'' and therefore the proposed list is not intended to be comprehensive. Regulated manufacturers are responsible for identifying and meeting all applicable requirements, even if such requirements are not specifically called out in the proposed § 820.10.

We also propose to clarify that Clause 7.3 Design and Development applies only to the manufacturers of the class I devices that are listed in this provision in addition to all manufacturers of class II and III devices. This retains the scope of current § 820.30(a). We are not proposing to modify which devices are subject to these requirements and are only revising this provision to reflect the location of similar requirements in ISO 13485. We also note that this is consistent with clause 1 of ISO 13485, which recognizes that there may be exclusions by the regulatory authority from the Design and Development requirement and directs the manufacturer to document such in its justification for exclusion.

Finally, we are proposing to add a requirement to ensure that devices that support or sustain life, the failure of which to perform when properly used in accordance with instructions for use provided in the labeling can be reasonably expected to result in a significant injury, comply with the traceability requirements set forth in in Clause 7.5.9.2 for implantable medical devices. Such products currently are subject to similar requirements in § 820.65 for traceability; however, in ISO 13485 only implantable devices are subject to this requirement.

E. Proposed Clarification of Concepts (Proposed § 820.15)

We are including clarifications for three concepts to explain how these concepts in ISO 13485 relate to our statutory and regulatory framework for medical devices.

Organization. ISO 13485 uses the term ''organization'' to describe the entity who is creating a QMS that conforms to the requirements in ISO 13485. Instead, we propose to clarify the term ''organization'' to also include the meaning of the term ''manufacturer'' as it is defined in proposed § 820.3.

Safety and performance. ISO 13485 often refers to ''safety and performance'' as a standard to measure medical devices. We propose that where the standard uses ''safety and performance,'' readers shall construe that phrase to mean the same as ''safety and effectiveness'' in section 520(f) of the FD&C Act. We understand that some

people could disagree about how the two standards compare, whether one is more stringent than the other, or even equivalent. In proposing this clarification, we do not intend to take a position on the matter of comparison. Instead, we propose this clarification to avoid confusion and ensure that implementation of a QMS is aligned with the standard of safety and effectiveness in section 520(f) of the FD&C Act and otherwise established for devices in FD&C Act.

Validation of processes. ISO 13485 uses the term ''validation of processes'' and does not contain its own definition of the term. We propose to clarify the term ''validation of processes'' as used in ISO 13485 to refer to ''process validation,'' as that term is defined in part 820. We are retaining the definition of process validation (§ 820.3(z)(1)) because ISO 13485 does not define ''validation of processes,'' but the use is the same as that expected for process validation under part 820. This will also allow for alignment between ISO 13485 and other requirements in the FD&C Act and its implementing regulations.

F. Proposed Supplementary Provisions (Proposed Subpart B)

As stated above, we are proposing additional requirements to ensure consistency and alignment with other requirements in the FD&C Act and its implementing regulations. FDA considers the following requirements necessary for implementation of a QMS that is consistent with applicable requirements but are not specified in ISO 13485. These requirements include control of records and device labeling and packaging controls.

FDA notes that the current part 820 contains requirements for record types that are not specifically identified in ISO 13485, such as, quality system record, device master record, design history file, and device history record. We are not proposing to retain separate requirements for these record types as we believe the elements that comprise those records are largely required to be documented by other ISO 13485 Clauses, such as Clause 4.2 and its subclauses.

1. Proposal for Control of Records (Proposed § 820.35)

We propose additional requirements to help ensure that records are established and maintained in a manner that is useful to FDA and manufacturers. First, we propose to include signature and date requirements for records subject to Clause 4.2.5 of ISO 13485. Such requirements provide clarity on the information FDA needs to ensure validity of records. Records are not necessarily limited to hardcopy documents that are physically signed. Manufacturers can choose to develop electronic records and electronic methods for signing and dating such records, if that best suits their business practices. Our focus is on whether the substance of the requirements is met and not the physicality of the record or signature methodology. Second, FDA is proposing specific requirements to ensure that the information required by part 803 (21 CFR part 803), Medical Device Reporting, is captured on certain records of complaints and servicing activities. Third, we propose to require that firms document the Unique Device Identification (UDI) for each medical device or batch of medical devices in accordance with 21 CFR part 830 in its records. Last, we are proposing to retain the clarification from the current part 820 (§ 820.180) about confidentiality of records FDA receives. This reminds firms that FDA protects such records in accordance with 21 CFR part 20. If this rule is finalized as proposed, manufacturers must meet the requirements in ISO 13485 Clause 4.2.5 and also meet the requirements of the eventual § 820.35.

We also note that ISO 13485 Clause 4.2.5 requires that records be ''readily identifiable and retrievable.'' FDA considers this phrase to be substantially similar to the requirement in current part 820 (§ 820.180) that records be ''reasonably accessible'' and ''readily available.'' In the 1996 Final Rule, the Agency explained that ''FDA expects that such records will be made available during the course of an inspection. If the foreign manufacturer maintains records at remote locations, such records would be expected to be produced by the next working day or 2, at the latest. FDA has clarified that records can be kept at other than the inspected establishment, provided that they are made 'readily available' for review and copying.'' (61 FR 52602 at 52637). FDA will consider records that a manufacturer makes available in accordance with this statement to be ''readily identifiable and retrievable.''

2. Proposed Controls for Device Labeling and Packaging (Proposed § 820.45)

Each year, device recalls are initiated related to product labeling and packaging. Clause 7.5.1(e) of ISO 13485 states that ''defined operations for labelling and packaging shall be implemented.'' However, ISO 13485 fails to provide additional requirements for labeling and packaging and does not specifically address the inspection of labeling by the manufacturer. Therefore, FDA proposes to retain requirements from the current part 820 that would strengthen controls for labeling and packaging operations, given that many device recalls are related to labeling and packaging. FDA believes that these provisions will better assure the manufacture of safe and effective devices. If this rule is finalized as proposed, regulated industry must meet the requirements in ISO 13485 7.5.1 and the proposed § 820.45.

G. Proposed Conforming Amendments

We are proposing to amend part 4 to reflect the amendments made to part 820 in incorporating ISO 13485 by reference. As explained above, part 4 provides a streamlined option to demonstrate compliance with the multiple, applicable sets of CGMP requirements for certain combination products (*i.e.,* single-entity and co-packaged combination products). To do so, one option part 4 presents for single-entity and co-packaged combination products with device constituent parts is to demonstrate compliance with the requirements of one other applicable set of requirements along with specified provisions of part 820 (rather than all provisions). We are not proposing to change the underlying activities required of manufacturers that pursue this streamlined option. Instead, we are proposing conforming amendments to the part 4 references to the corresponding clauses in ISO 13485. To that end, we are taking comment on the proposed conforming amendments and whether additional changes are necessary to assure compliance with part 4. The QS requirements outlined in part 4 are not fundamentally different than the corresponding requirements in ISO 13485.

VI. Proposed Effective Date and Implementation Strategy

FDA proposes that any final rule based on this proposal become effective 1 year after the date of publication of the final rule in the **Federal Register**. This approach is intended to provide adequate time for manufacturers to make any changes necessary to comply with the requirements of ISO 13485. We welcome comment on this approach.

Although this rule does not impact FDA's authority to conduct inspections under section 704 of the FD&C Act, FDA intends to replace its current inspection approach for medical devices, the Quality System Inspection Technique (QSIT), with an inspection approach that will be consistent with the requirements of the proposed part 820 as finalized. Similar to the current QSIT

inspection approach, these inspections would involve the collection of information to support observations noted during the inspection and those included on a Form FDA 483, as appropriate and necessary. FDA inspections will not result in the issuance of certificates of conformance to ISO 13485, nor is FDA developing a certification program for ISO 13485. In addition, manufacturers with a certificate of conformance to ISO 13485 are not exempt from FDA inspections.

If this rule is finalized, FDA intends to engage in a variety of implementation activities including, among other activities, updating information technology systems, training of personnel, finalizing the inspection approach, and revising relevant regulations and other documents impacted by this rulemaking.

VII. Preliminary Economic Analysis of Impacts

We have examined the impacts of the proposed rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). We believe that this proposed rule is an economically significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because of the burden of the proposed rule on very small medical device establishment (as defined in the analysis), we propose to certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $158 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. This proposed rule would not result in an expenditure in any year that meets or exceeds this amount.

We estimated the benefits in terms of cost savings. These cost savings are primarily due to the potential reduction in redundant effort in compliance of similar regulations and standards by medical device establishments. The annualized costs savings of medical device establishments are estimated at approximately $533 million at a 7 percent discount rate, and approximately $439 million at a 3 percent discount rate. In addition, if finalized, we believe that there will be added benefits through quicker access to newly developed medical devices for patients, leading to improvement of life quality for the consumers. The cost of the proposed rule primarily consists of a one-time initial expenditure for updating systems and protocols, and training personnel for medical device establishments, which currently do not comply with ISO 13485. The cost estimate for these establishments is annualized at $7.0 million at a 7 percent discount rate, and approximately $5.8 million at a 3 percent discount rate.

TABLE 2—SUMMARY OF BENEFITS, COSTS AND DISTRIBUTIONAL EFFECTS OF PROPOSED RULE

[Millions $]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered (years)	
Benefits: [1]							
Annualized Monetized $M/year	$533	$267	$1,332	2020	7	10	Benefit are cost savings.
	439	220	1,097	2020	3	10	Benefit are cost savings.
Annualized Quantified					7		
					3		
Qualitative							
Costs:							
Annualized Monetized $M/year	6.96	6.96	6.96	2020	7	10	
	5.73	5.73	5.73	2020	3	10	
Annualized Quantified					7		
					3		
Qualitative							
Transfers:							
Federal Annualized Monetized $M/year					7		
					3		
From/To	From:			To:			
Other Annualized Monetized $M/year					7		
					3		
From/To	From:			To:			

Effects:
State, Local or Tribal Government:
Small Business:
Wages:
Growth:

[1] Estimated benefits are in terms of cost savings for medical device establishments that conform to the current part 820. Other benefits that are not quantified potentially include quicker delivery and more efficient access to necessary devices for patients, leading to improvement of quality of life for consumers.

Note: All figures are in millions of dollars.

We have developed a comprehensive Preliminary Economic Analysis of Impacts that assesses the impacts of the proposed rule. The full preliminary analysis of economic impacts is available in the docket for this proposed rule (Ref. 11) and at *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*

VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(j) 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.

IX. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the OMB under the PRA (44 U.S.C. 3501–3521). A description of these provisions is given in the *Description* section with an estimate of the annual recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each 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.

Title: Medical Devices; Quality Management System; OMB Control Number 0910–0073—Revision.

Description: FDA is proposing to revise its device CGMP requirements as set forth in the QS regulation, codified in part 820. Through this proposed rulemaking, FDA intends to converge its requirements with QMS requirements used by other regulatory authorities. FDA seeks to accomplish this primarily by incorporating by ISO 13485. This rule, if finalized, would harmonize QMS requirements for devices with requirements used by other regulatory authorities.

Description of Respondents: Respondents to this information collection are any manufacturers engaged in the design, manufacture, packaging, labeling, storage, installation, or servicing of a finished device, including, but not limited to, organizations that perform the functions of contract sterilization, installation, relabeling, remanufacturing, repacking, or specification development, as well as initial distributors of foreign entities that perform these functions.

Manufacturers of components or parts of finished devices may voluntarily use appropriate provisions of the proposed regulation as guidance.

Respondents are also manufacturers of human cells, tissues, and cellular and tissue-based products (HCT/Ps), as defined in 21 CFR 1271.3(d), that are devices.

We estimate the burden of this collection of information as follows:

TABLE 3—ESTIMATED ONE-TIME RECORDKEEPING BURDEN

Activity	Number of recordkeepers	Number of records per recordkeeper	Total records	Average burden per recordkeeping	Total hours	Total capital costs
Learn the rule—one-time burden	20,346	1	20,346	2.6	52,900	$7,600,000
Initial one-time burden for those respondents whose processes do not already comply with ISO 13485	4,445	1	4,445	64	284,480	43,000,000
Total					337,380	50,600,000

The currently approved number of respondents to the collection is 27,074; however we expect nominal fluctuations in the number of registered medical device facilities and have reduced that number to 20,346 based on a current review of data and to be consistent with the Preliminary Regulatory Impact Analysis for this proposed rule (see Ref. 11).

All medical device establishments that will be covered under the rulemaking undergo a one-time burden to learn the rulemaking. We model the one-time learning cost as the time required by medical device establishments' regulatory affairs expert to access and read the proposed rule, approximately 2.6 hours (rounded). The average total access and learning cost for all affected entities is approximately $7,600,000 (see Ref. 11).

In addition to learning the rule requirements, medical device establishments that are not in compliance with ISO 13485 when the rulemaking is implemented would incur one-time initial costs related to training of a regulatory compliance expert, updating information technology, and updating documents related to policy and procedures. The additional estimated cost burden for medical device establishments that are not in compliance with ISO 13485 when the rulemaking is implemented is approximately $43,000,000 (see Ref. 11).

The estimated hour burden of these additional one-time activities is included under ''Initial one-time burden for those respondents whose processes do not already comply with ISO 13485'' in table 3. In the Preliminary Regulatory Impact Analysis for this rulemaking, we estimate there are 4,445 respondents that do not currently comply with ISO 13485 and that the average burden per recordkeeping is approximately 64 hours (Ref. 11). Because we do not have robust data on the number of firms that currently comply with ISO 13485, we are using very small domestic medical device manufacturing establishments to represent those who will proportionally bear a greater burden of one-time costs by the proposed rule. As such, for this analysis, and as discussed in the Preliminary Regulatory Impact Analysis, we assume that very small medical device manufacturing establishments currently do not sell their products abroad and do not comply with ISO 13485 (Ref. 11).

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Quality Management System (proposed § 820.10 and ISO 13485)	20,346	1	20,346	348	7,080,408
Control of records (proposed § 820.35)	20,346	1	20,346	2	40,692
Total					7,121,100

[1] There are no capital costs or operating and maintenance costs associated with this annual collection of information.
[2] Numbers have been rounded.

The current burden associated with recordkeeping requirements in part 820 is 9,021,752 hours annually. We assume a commensurate level of burden for the proposed recordkeeping activities (350 hours for the Average Burden per Recordkeeping).

As mentioned previously in this section, we expect nominal fluctuations in the number of registered medical device facilities and have reduced that number from 27,074 to 20,346 based on a current review of data and to be consistent with the Preliminary Regulatory Impact Analysis for this proposed rule (see Ref. 11). This adjustment results in a reduction of 1,900,652 total hours annually.

Quality Management System (proposed § 820.10 and ISO 13485): Under proposed § 820.10, an organization subject to proposed part 820 must document a QMS that complies with the requirements of ISO 13485, as incorporated by reference in proposed § 820.7, and proposed part 820.

Under proposed § 820.10(c), manufacturers of class II, class III, and certain class I devices, as listed in proposed § 820.10(c)(ii), must comply with the requirements in Design and Development, Clause 7.3 and its Subclauses in ISO 13485. This amendment does not substantively change the current recordkeeping requirement.

Under proposed § 820.10(d), manufacturers of devices that support or sustain life, the failure of which to perform when properly used in accordance with instructions for use provided in the labeling can be reasonably expected to result in a significant injury, must comply with the requirements in Traceability for Implantable Devices, Clause 7.5.9.2 in ISO 13485, in addition to all other requirements in this part, as appropriate. This amendment does not substantively change the current recordkeeping requirement.

Control of records (proposed § 820.35): In addition to the requirements of Clause 4.2.5 in ISO 13485, Control of Records, the manufacturer must obtain the signature for each individual who approved or re-approved the record, and the date of such approval, on that record and include the information in certain records as listed in proposed § 820.35.

In addition to Clause 8.2.2 in ISO 13485, Complaint Handling, the manufacturer must record the listed information, at a minimum, for complaints that must be reported to FDA under part 803, complaints that a manufacturer determines must be investigated, and complaints that the manufacturer investigated regardless of those requirements. The reporting requirements of part 803 are approved under OMB control number 0910–0437. Estimated burden for the recordkeeping requirement in proposed § 820.35(a) is included as part of the estimate for ''Control of records (proposed § 820.35)'' in table 4.

In adhering to Clause 7.5.4 in ISO 13485, *Servicing Activities,* the manufacturer must record the information listed in proposed § 820.35(b), at a minimum, for servicing activities.

Under proposed § 820.35(c), in addition to the requirements of Clauses 7.5.1, 7.5.8, and 7.5.9 of ISO 13485, the UDI must be recorded for each medical device or batch of medical devices. The estimated recordkeeping burden associated with UDI is included as part of the estimate for ''Control of records (proposed § 820.35)'' in table 4.

Because the records required by proposed § 820.35 should be readily available to the respondents, we estimate the average burden per response for proposed § 820.35 to be no more than 2 hours. This estimate is in addition to the requirements of the applicable ISO 13485 Clauses, the burden for which is included under ''Quality Management System (proposed § 820.10 and ISO 13485)'' in table 4.

Device labeling and packaging controls (proposed § 820.45): In addition to the requirements of Clause 7.5.1 of ISO 13485, Control of production and service provision, manufacturers must ensure labeling and packaging has been examined for accuracy prior to release or storage (§ 820.45(a)), the release of the labeling for use must be documented in accordance with Clause 4.2.5 of ISO 13485 (§ 820.45(b)), and results of the labeling inspection in proposed § 820.45(c) must be documented in accordance with Clause 4.2.5 of ISO 13485. The estimated recordkeeping burden for ISO 13485, Clause 4.2.5, is part of the estimate for ''Quality Management System (proposed § 820.10 and ISO 13485)'' in table 4. There is no additional hour burden associated with proposed § 820.45.

To ensure that comments on information collection are received, OMB recommends that written comments be submitted through *https://www.reginfo.gov/public/do/PRAMain* (see **ADDRESSES**). All comments should be identified with the title of the information collection.

In compliance with the PRA (44 U.S.C. 3501, *et seq.*), we have submitted the information collection provisions of this proposed rule to OMB for review. These information collection requirements will not be effective until FDA publishes a final rule, OMB approves the information collection requirements, and the rule goes into effect. FDA will announce OMB approval of these requirements in the **Federal Register**.

X. Federalism

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. We have determined that this proposed rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

XI. Consultation and Coordination With Indian Tribal Governments

We have analyzed this proposed rule in accordance with the principles set forth in Executive Order 13175. We have tentatively determined that the rule does not contain policies that would 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. The Agency solicits comments from tribal officials on any potential impact on Indian Tribes from this proposed action.

XII. References

The following references marked with an asterisk (*) are on display at the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they also are available electronically at *https://www.regulations.gov.* References without asterisks are not on public display at *https://www.regulations.gov* because they have copyright restriction. Some may be available at the website address, if listed. References without asterisks are available for viewing only at the Dockets Management Staff. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

* 1. ISO 13485:2016, ''Medical devices—Quality management systems—Requirements for regulatory purposes,'' Third Edition, March 1, 2016.
* 2. FDA, ''Regulations Establishing Good Manufacturing Practices for the Manufacture, Packing, Storage, and Installation of Medical Devices.'' **Federal Register**, 43: 31508–31532, July 21, 1978.
3. ISO 13485:1996, ''Quality systems—Medical devices—Particular requirements for the application of ISO 9001,'' December 1996 (withdrawn). (Referenced at: *https://www.iso.org/standard/22098.html.*)
4. ISO 9001:1994, ''Quality Systems—Model for Quality Assurance in Design, Development, Production, Installation, and Servicing,'' June 1994 (withdrawn). (Referenced at: *https://www.iso.org/standard/25946.html.*)
* 5. FDA, ''Medical Device Single Audit Program (MDSAP).'' (Available at: *https://www.fda.gov/medical-devices/cdrh-international-programs/medical-device-single-audit-program-mdsap.*)
6. Global Harmonization Task Force. Guidance document, ''Implementation of Risk Management Principles and Activities Within a Quality Management System,'' May 20, 2005. (Available at: *http://www.imdrf.org/docs/ghtf/final/sg3/technical-docs/ghtf-sg3-n15r8-risk-management-principles-qms-050520.pdf.*)
7. ISO 14971, ''Medical Devices—Application of Risk Management to Medical Devices.'' (Available at: *https://www.iso.org/standard/72704.html.*)
* 8. ''Guidance for Industry, Third Parties and Food and Drug Administration Staff: Medical Device ISO 13485:2003 Voluntary Audit Report Submission Pilot Program'' effective June 5, 2012. **Federal Register**, March 19, 2012 (Available at: *https://www.federalregister.gov/citation/77-FR-16036*).
9. International Medical Device Regulators Forum, *http://www.imdrf.org/.*
10. International Standard, ISO 9000 ''Quality Management Systems—Fundamentals and Vocabulary,'' ISO 9000:2015. (Available at: ISO 9000:2015(en), Quality management systems—Fundamentals and vocabulary.)
* 11. ''Preliminary Regulatory Impact Analysis, Initial Regulatory Flexibility Analysis, and Unfunded Mandates Reform Act Analysis; Medical Devices; Quality System Regulation Amendments.'' (Available at: *https://www.fda.gov/about-fda/reports/economic-impact-analyses-fda-regulations.*)

List of Subjects

21 CFR Part 4

Biologics, Drugs, Human cells and tissue-based products, Incorporation by reference, Medical devices.

21 CFR Part 820

Incorporation by reference, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 4 and 820 be amended as follows:

PART 4—REGULATION OF COMBINATION PRODUCTS

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 355, 360, 360b–360f, 360h–360j, 360l, 360hh–360ss, 360aaa–360bbb, 371(a), 372–374, 379e, 381, 383, 394; 42 U.S.C. 216, 262, 263a, 264, 271.

■ 2. In § 4.2,

■ a. Revise the definition of ''Device''; and

■ b. Remove the definition of ''QS regulation'', and add in its place a definition for ''QMSR for devices''.

The revision and addition read as follows:

§ 4.2 How does FDA define key terms and phrases in this subpart?

* * * * *

Device has the meaning set forth in § 3.2(f) of this chapter. A device that is a constituent part of a combination product is considered a finished device within the meaning of the Quality Management System Regulation (QMSR).

* * * * *

QMSR for devices refers to the requirements under part 820 of this chapter.

* * * * *

■ 3. In § 4.4, revise paragraph (b)(1) and the introductory text to paragraph (b)(2) and add paragraph (f) to read as follows:

§ 4.4 How can I comply with these current good manufacturing practice requirements for a co-packaged or single-entity combination product?

* * * * *

(b) * * *

(1) If the combination product includes a device constituent part and a drug constituent part, and the current good manufacturing practice operating system has been shown to comply with the drug CGMPs, the following clauses of ISO 13485 within the QMSR requirements for devices must also be shown to have been satisfied; upon demonstration that these requirements have been satisfied, no additional showing of compliance with respect to the QMSR requirements for devices need be made:

(i) *Management responsibility.* Clause 4.1, Clause 5 and its subclauses and Clause 6.1 of ISO 13485;

(ii) *Design and development.* Clause 7.3 and its subclauses of ISO 13485;

(iii) *Purchasing.* Clause 7.4 and its subclauses of ISO 13485;

(iv) *Improvement.* Clause 8.4, Clause 8.5 and its subclauses of ISO 13485;

(v) *Installation activities.* Clause 7.5.3 of ISO 13485; and

(vi) *Servicing activities.* Clause 7.5.4 of ISO 13485 and § 820.35(b).

(2) If the combination product includes a device constituent part and a drug constituent part, and the current good manufacturing practice operating system has been shown to comply with the QMS requirements for devices, the following provisions of the drug CGMPs must also be shown to have been satisfied; upon demonstration that these requirements have been satisfied, no additional showing of compliance with respect to the drug CGMPs need be made:

* * * * *

(f) Certain material is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Food and

Drug Administration, Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, email *fr.inspection@nara.gov,* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.* It is available from the following source(s):

(1) *The International Organization for Standardization (ISO),* BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland; +41–22–749–01–11; *customerservice@iso.org*, *https://www.iso.org/store.html.*

(i) ISO 13485, ''Medical devices—Quality management systems—Requirements for regulatory purposes,'' third edition, dated March 2016,

(ii) [Reserved]

(2) [Reserved]

■ 4. Revise part 820 to read as follows:

PART 820—QUALITY MANAGEMENT SYSTEM REGULATION

Subpart A—General Provisions

Sec.
820.1 Scope.
820.3 Definitions.
820.5 [Reserved]
820.7 Incorporation by reference.
820.10 Requirements for a quality management system.
820.15 Clarification of concepts.

Subpart B—Supplemental Provisions

820.20–820.30 [Reserved]
820.35 Control of records.
820.40 [Reserved]
820.45 Device labeling and packaging controls.

Subparts C–O—[Reserved]

Authority: 21 U.S.C. 351, 352, 360, 360c, 360d, 360e, 360h, 360i, 360j, 360l, 371, 374, 381, 383; 42 U.S.C. 216, 262, 263a, 264.

Subpart A—General Provisions

§ 820.1 Scope.

(a) *Applicability.* Current good manufacturing practice (CGMP) requirements are set forth in this quality management system regulation (QMSR). The requirements in this part govern the methods used in, and the facilities and controls used for, the design, manufacture, packaging, labeling, storage, installation, and servicing of all finished devices intended for human use. The requirements in this part are intended to assure that finished devices will be safe and effective and otherwise in compliance with the Federal Food, Drug, and Cosmetic Act. Any manufacturers engaged in the design, manufacture, packaging, labeling, storage, installation, or servicing of a finished device must establish and maintain a quality management system that is appropriate for its specific device(s). Manufacturers subject to this part include, but are not limited to, manufacturers that perform the functions of contract sterilization, installation, relabeling, remanufacturing, repacking, or specification development, as well as initial distributors of foreign entities that perform these functions. If a manufacturer engages in only some operations subject to the requirements in this part, and not in others, that manufacturer need only comply with those requirements applicable to the operations in which it is engaged.

(1) *Finished devices.* The provisions of this part shall apply to any finished device, as defined in this part, intended for human use, that is manufactured, imported, or offered for import in any State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) *Components or parts.* The provisions of this part do not apply to manufacturers of components or parts of finished devices, but such manufacturers are encouraged to consider provisions of this regulation as appropriate.

(3) *Blood and blood components.* The provisions of this part do not apply to manufacturers of blood and blood components used for transfusion or for further manufacturing. Such manufacturers are subject to subchapter F of this chapter.

(4) *HCT/Ps.* The provisions of this part apply to manufacturers of human cells, tissues, and cellular and tissue-based products (HCT/Ps), as defined in § 1271.3(d) of this chapter, that are devices (subject to premarket review or notification, or exempt from notification, under an application submitted under the device provisions of the Federal Food, Drug, and Cosmetic Act or under a biological product license application under section 351 of the Public Health Service Act). HCT/Ps regulated as devices are also subject to the donor-eligibility requirements set forth in part 1271, subpart C of this chapter and applicable current good tissue practice requirements in part 1271, subpart D of this chapter. In the event of a conflict between applicable regulations in part 1271 and in other parts of this chapter, the regulation specifically applicable to the device in question shall supersede the more general regulation.

(b) *Conflicts with other requirements under the Federal Food, Drug, and Cosmetic Act.* The QMSR for devices in this part supplements regulations in other parts of this chapter except where explicitly stated otherwise. In the event of a conflict between applicable regulations in this part and in other parts of this chapter, the regulations specifically applicable to the device in question shall supersede the more generally applicable regulations to the extent they conflict. Moreover, to the extent that any clauses of ISO 13485 (incorporated by reference, see § 820.7) conflict with any provisions of the Federal Food, Drug, and Cosmetic Act and/or its other implementing regulations, the Federal Food, Drug, and Cosmetic Act and/or its other implementing regulations will control.

(c) *Foreign manufacturers.* If it appears that an owner, operator, or agent of any factory, warehouse, or establishment who offers devices for import into the United States delays, denies, or limits an inspection, or refuses to permit entry or inspection of the foreign facility for the purpose of determining compliance with this part, or the methods used in, and the facilities and controls used for, the manufacture, packing, storage, installation, processing, or held in such factory, warehouse, or establishment that are offered for import into the United States do not conform to the requirements of section 520(f) of the Federal Food, Drug, and Cosmetic Act and this part, then the devices manufactured at that facility are adulterated under section 501(h) or (j) of the Federal Food, Drug, and Cosmetic Act and will be refused admission to the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act.

(d) *Exemptions or variances.* (1) A manufacturer subject to any requirement under section 520(f)(1) of the Federal Food, Drug, and Cosmetic Act, including any requirements under this part, may petition for an exemption or variance from such requirement in accordance with section 520(f)(2) of the Federal Food, Drug, and Cosmetic Act. Petitions for an exemption or variance shall be submitted in accordance with the procedures set forth in § 10.30 of this chapter.

(2) FDA may initiate and grant a variance from any requirement(s) in this part when the Agency determines that such variance is in the best interest of the public health. Such variance will remain in effect only so long as there remains a public health need for the device and the device would not likely be made sufficiently available without the variance.

§ 820.3 Definitions.

The definitions in ISO 13485 (incorporated by reference, see § 820.7) apply to this part, except as specified in paragraph (b) of this section, and do not affect the meaning of similar terms defined in this title.

(a) The following terms are necessary for the purposes of this part and do not appear in ISO 13485:

Component means any raw material, substance, piece, part, software, firmware, labeling, or assembly that is intended to be included as part of the finished, packaged, and labeled device.

Customer means persons or organizations, including users, that could or do receive a product or a service that is intended for or required by this person or organization. A customer can be internal or external to the organization.

Design validation means establishing by objective evidence that device specifications conform with user needs and intended use(s).

Federal Food, Drug, and Cosmetic Act means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 *et seq.,* as amended.

Finished device means any device or accessory to any device that is suitable for use or capable of functioning, whether or not it is packaged, labeled, or sterilized.

Human cell, tissue, or cellular or tissue-based product (HCT/P) regulated as a device means an HCT/P as defined in § 1271.3(d) of this chapter that does not meet the criteria in § 1271.10(a) of this chapter and that is also regulated as a device.

Nonconformity means the nonfulfillment of a specified requirement.

Process agent means any material or substance used in or used to facilitate the manufacturing process, a concomitant constituent, or a byproduct constituent produced during the manufacturing process, which is present in or on the finished device as a residue or impurity not by design or intent of the manufacturer.

Process validation means establishing by objective evidence that a process consistently produces a result or product meeting its predetermined specifications.

Remanufacturer means any person who processes, conditions, renovates, repackages, restores, or does any other act to a finished device that significantly changes the finished device's performance or safety specifications, or intended use.

Rework means action taken on a nonconforming product so that it will fulfill the specified requirements before it is released for distribution.

Top management means those senior employees of a manufacturer who have the authority to establish or make changes to the manufacturer's quality policy and quality management system.

Verification means confirmation by examination and provision of objective evidence that specified requirements have been fulfilled.

(b) All definitions in section 201 of the Federal Food, Drug, and Cosmetic Act shall apply to the regulation of quality management systems under this part and shall supersede the correlating terms and definitions in ISO 13485 (*e.g.,* the definitions of device and labeling in sections 201(h) and (m) of the Federal Food, Drug, and Cosmetic Act apply to this part and supersede the definitions for the correlating terms in ISO 13485 (labelling and medical device)). In addition, the following terms and definitions supersede the correlating term and definition in ISO 13485:

Manufacturer means any person who designs, manufactures, fabricates, assembles, or processes a finished device. Manufacturer includes, but is not limited to, those who perform the functions of contract sterilization, installation, relabeling, remanufacturing, repacking, or specification development, and initial distributors of foreign entities performing these functions.

Product means components, process agents, in-process devices, finished devices, and returned devices.

§ 820.5 [Reserved]

§ 820.7 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Food and Drug Administration, Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, email *fr.inspection@nara.gov*, or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.* It is available from the following source(s):

(a) *The International Organization for Standardization (ISO),* BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland; +41–22–749–01–11; *customerservice@iso.org, https://www.iso.org/store.html.*

(1) ISO 13485, ''Medical devices—Quality management systems—Requirements for regulatory purposes,'' third edition, dated March 2016; IBR approved for §§ 820.1; 820.3; 820.10; 820.15; 820.35; 820.45.

(2) [Reserved]

(b) [Reserved]

§ 820.10 Requirements for a quality management system.

A manufacturer subject to this part as described by § 820.1(a) must:

(a) *Document. Document* a quality management system that complies with the requirements of ISO 13485 (incorporated by reference, see § 820.7) and this part; and

(b) *Applicable regulatory requirements.* Comply, as appropriate, with the other applicable regulatory requirements in this title, including, but not limited to the following, to fully comply with the listed ISO 13485 Clause:

(1) For Clause 7.5.8 in ISO 13485, Identification, the manufacturer must document a system to assign unique device identification to the medical device in accordance with the requirements of part 830.

(2) For Clause 7.5.9.1 in ISO 13485, Traceability—General, the manufacturer must document procedures for traceability in accordance with the requirements of part 821, if applicable.

(3) For Clause 8.2.3 in ISO 13485, Reporting to regulatory authorities, the manufacturer must notify FDA of complaints that meet the reporting criteria of part 803 of this chapter.

(4) For Clauses 7.2.3, 8.2.3, and 8.3.3, advisory notices shall be handled in accordance with the requirements of part 806.

(c) *Design and Development.* Manufacturers of class II, class III, and those class I devices listed below must comply with the requirements in Design and Development, Clause 7.3 and its Subclauses in ISO 13485. The class I devices are as follows:

(1) Devices automated with computer software; and

(2) The devices listed in the following table:

TABLE 1 TO PARAGRAPH (c)(2)

Section	Device
868.6810 ..	Catheter, Tracheobronchial Suction.
878.4460 ..	Glove, Non-powdered Surgeon's.
880.6760 ..	Restraint, Protective.
892.5650 ..	System, Applicator, Radionuclide, Manual.
892.5740 ..	Source, Radionuclide Teletherapy.

(d) *Devices that support or sustain life.* Manufacturers of devices that support or sustain life, the failure of which to perform when properly used in accordance with instructions for use

provided in the labeling can be reasonably expected to result in a significant injury, must comply with the requirements in Traceability for Implantable Devices, Clause 7.5.9.2 in ISO 13485, in addition to all other requirements in this part, as appropriate.

(e) *Enforcement.* The failure to comply with any applicable requirement in this part renders a device adulterated under section 501(h) of the Federal Food, Drug, and Cosmetic Act. Such a device, as well as any person responsible for the failure to comply, is subject to regulatory action.

§ 820.15 Clarification of concepts.

Manufacturers subject to this part shall construe the following terms in ISO 13485 (incorporated by reference, see § 820.7) as follows:

(a) *Organization* shall have the meaning of ''manufacturers'' as defined in this part.

(b) *Safety and performance* shall have the meaning of ''safety and effectiveness'' for the purposes of this part. The phrase ''safety and performance'' does not relieve a manufacturer from any obligation to implement controls or other measures that provide reasonable assurance of safety and effectiveness.

(c) *Validation of processes* shall have the meaning of ''process validation'' as defined in this part.

Subpart B—Supplemental Provisions

§ 820.20–§ 820.30 [Reserved]

§ 820.35 Control of records.

In addition to the requirements of Clause 4.2.5 in ISO 13485 (incorporated by reference, see § 820.7), Control of Records, the manufacturer must obtain the signature for each individual who approved or re-approved the record, and the date of such approval, on that record and include the below information in certain records as follows:

(a) *Records of complaints.* In addition to Clause 8.2.2 in ISO 13485, Complaint Handling, the manufacturer must record the following information, at a minimum, for complaints that must be reported to FDA under part 803 of this chapter, complaints that a manufacturer determines must be investigated, and complaints that the manufacturer investigated regardless of those requirements:

(1) The name of the device;

(2) The date the complaint was received;

(3) Any unique device identifier (UDI) or universal product code (UPC), and any other device identification(s);

(4) The name, address, and phone number of the complainant;

(5) The nature and details of the complaint;

(6) Any corrective action taken; and

(7) Any reply to the complainant.

(b) *Records of servicing activities.* In adhering to Clause 7.5.4 in ISO 13485, Servicing Activities, the manufacturer must record the following information, at a minimum, for servicing activities:

(1) The name of the device serviced;

(2) Any unique device identifier (UDI) or universal product code (UPC), and any other device identification(s);

(3) The date of service;

(4) The individual(s) who serviced the device;

(5) The service performed; and

(6) Any test and inspection data.

(c) *Unique device identification.* In addition to the requirements of Clauses 7.5.1, 7.5.8, and 7.5.9 in ISO 13485, the UDI must be recorded for each medical device or batch of medical devices.

(d) *Confidentiality.* Records deemed confidential by the manufacturer may be marked to aid FDA in determining whether information may be disclosed under the public information regulation in part 20 of this chapter.

§ 820.40 [Reserved]

§ 820.45 Device labeling and packaging controls.

In addition to the requirements of Clause 7.5.1 of ISO 13485 (incorporated by reference, see § 820.7), Control of production and service provision, each manufacturer must establish and maintain procedures that provide a detailed description of the activities to ensure the integrity, inspection, storage, and operations for labeling and packaging, during the customary conditions of processing, storage, handling, distribution, and where appropriate, use of the device.

(a) The manufacturer must ensure labeling and packaging has been examined for accuracy prior to release or storage, where applicable, to include the following:

(1) The correct unique device identifier (UDI) or universal product code (UPC), or any other device identification(s);

(2) Expiration date;

(3) Storage instructions;

(4) Handling instructions; and

(5) Any additional processing instructions.

(b) The release of the labeling for use must be documented in accordance with Clause 4.2.5 of ISO 13485.

(c) The manufacturer must ensure labeling and packaging operations have been established and maintained to prevent errors, including, but not limited to, inspection of the labeling and packaging immediately before use to assure that all devices have correct labeling and packaging, as specified in the medical device file. Results of such labeling inspection must be documented in accordance with Clause 4.2.5 of ISO 13485.

Subparts C–O—[Reserved]

Dated: February 8, 2022.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

[FR Doc. 2022–03227 Filed 2–22–22; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2021–0619; FRL–8602–01–OAR]

RIN 2060–AV43

Review of Standards of Performance for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposal presents the results of the Environmental Protection Agency's (EPA's) review of the New Source Performance Standards (NSPS) for Lead Acid Battery Manufacturing Plants and the technology review (TR) for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lead Acid Battery Manufacturing Area Sources as required under the Clean Air Act (CAA). The EPA is proposing revised lead (Pb) emission limits for grid casting, paste mixing, and lead reclamation operations for both the area source NESHAP (for new and existing sources) and under a new NSPS subpart (for lead acid battery facilities that begin construction, reconstruction, or modification after February 23, 2022). In addition, the EPA is proposing the following amendments for both the area source NESHAP (for new and existing sources) and under a new NSPS subpart (for lead acid battery facilities that begin construction, reconstruction or modification after February 23, 2022): Performance testing once every 5 years to demonstrate compliance; work practices to minimize emissions of fugitive lead dust; increased inspection

frequency of fabric filters; bag leak detection systems for facilities above a certain size; clarification of activities that are considered to be lead reclamation activities; electronic reporting of performance test results and semiannual compliance reports; and the removal of exemptions for periods of start-up, shut down, and malfunctions. The EPA is also proposing a revision to the applicability provisions in the area source NESHAP such that facilities which make lead-bearing battery parts or process input material, including but not limited to grid casting facilities and lead oxide manufacturing facilities, will be subject to the area source NESHAP.

DATES: Comments must be received on or before April 25, 2022. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before March 25, 2022.

Public hearing: If anyone contacts us requesting a public hearing on or before February 28, 2022, we will hold a virtual public hearing. See **SUPPLEMENTARY INFORMATION** for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2021–0619, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2021–0619 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2021–0619.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2021–0619, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are open to the public by appointment only to reduce the risk of transmitting COVID–19. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Amanda Hansen, Sector Policies and Programs Division (D243–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–3165; fax number: (919) 541–4991; and email address: *hansen.amanda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Participation in virtual public hearing. Please note that because of current Centers for Disease Control and Prevention (CDC) recommendations, as well as state and local orders for social distancing to limit the spread of COVID–19, the EPA cannot hold in-person public meetings at this time.

To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* If requested, the virtual hearing will be held on March 10, 2022. The hearing will convene at 10:00 a.m. Eastern Time (ET) and will conclude at 5:00 p.m. ET. The EPA may close a session 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will announce further details at *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-area-sources-national-emission.*

If a public hearing is requested, the EPA will begin pre-registering speakers for the hearing no later than 1 business day after a request has been received. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-area-sources-national-emission* or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be March 7, 2022. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers in approximate order at: *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-area-sources-national-emission.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule.

Each commenter will have 5 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to *hansen.amanda@epa.gov.* The EPA also recommends submitting the text of your oral testimony as written comments to the rulemaking docket.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-area-sources-national-emission.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *SPPDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of a translator or special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by March 2, 2022. The EPA may not be able to arrange accommodations without advanced notice.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2021–0619. All documents in the docket are listed in *https://www.regulations.gov/.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. With the exception of such material, publicly

available docket materials are available electronically in *Regulations.gov*.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2021–0619. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov/,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit electronically to *https://www.regulations.gov/* any information that you consider to be CBI or other information whose disclosure is restricted by statute. This type of information should be submitted as discussed below.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov/* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov/,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Due to public health concerns related to COVID–19, the Docket Center and Reading Room are open to the public by appointment only. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID–19.

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov/.* Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, note the docket ID, mark the outside of the digital storage media as CBI, and identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in *Instructions* above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

Our preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqpscbi@epa.gov,* and as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqpscbi@epa.gov* to request a file transfer link. If sending CBI information through the postal service, please send it to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2021–0619. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

Preamble acronyms and abbreviations. Throughout this notice the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ANSI American National Standards Institute
BACT Best Available Control Technology
BSER Best System of Emissions Reduction
CAA Clean Air Act
CBI Confidential Business Information
CFR Code of Federal Regulations
ECHO Enforcement and Compliance History Online
EIS Emissions Inventory System
EPA Environmental Protection Agency
ERT Electronic Reporting Tool
FR Federal Register
GACT Generally Available Control Technology
gr/dscf grains per dry standard cubic foot
HAP hazardous air pollutant(s)
HEPA high efficiency particulate air
LAER Lowest Achievable Emission Rate
mg/dscm milligrams per dry standard cubic meters
NAAQS National Ambient Air Quality Standards
NAICS North American Industry Classification System
NEI National Emissions Inventory
NESHAP National Emission Standards for Hazardous Air Pollutants
NSPS New Source Performance Standards
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OECA Office of Enforcement and Compliance Assurance
OMB Office of Management and Budget
Pb lead
RACT Reasonably Available Control Technology
RBLC Reasonably Available Control Technology, Best Available Control Technology, and Lowest Achievable Emission Rate Clearinghouse
SBA Small Business Administration
SIC Standard Industrial Classification
SSM startup, shutdown, and malfunction
tpy tons per year
TR technology review
TRI Toxic Release Inventory
µg/m3 microgram per cubic meter
VCS voluntary consensus standards
VE visible emissions

Organization of this document. The information in this preamble is organized as follows:

I. General Information
A. Does this action apply to me?
B. Where can I get a copy of this document and other related information?
II. Background
A. What is the statutory authority for this action?
1. NSPS Authority
2. NESHAP Authority
B. What is this source category and how do the current rules regulate its emissions?
C. What data collection activities were conducted to support this action?
D. What other relevant background information and data are available?
III. Analytical Procedures and Decision-Making
A. How does the EPA perform the NSPS review?
B. How does the EPA perform the technology review?
IV. Analytical Results and Proposed Rule Summary and Rationale
A. Results of Ambient Air Monitoring Data and Model Screening Analyses
B. What are the results and proposed decisions based on our NSPS review, and what is the rationale for those decisions?
C. What are the results and proposed decisions based on our technology review, and what is the rationale for those decisions?
D. What other actions are we proposing, and what is the rationale for those actions?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
E. What compliance dates are we proposing, and what is the rationale for the proposed compliance dates?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
V. Summary of Cost, Environmental, and Economic Impacts
A. What are the air quality impacts?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
B. What are the cost impacts?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
C. What are the economic impacts?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
D. What are the benefits?
1. NSPS, 40 CFR Part 60, KKa
2. NESHAP, 40 CFR Part 63, Subpart PPPPPP
E. What analysis of environmental justice did we conduct?
VI. Request for Comments
VII. Incorporation by Reference
VIII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. General Information

A. Does this action apply to me?

The source category that is the subject of this proposal is lead acid battery manufacturing regulated under CAA section 111 New Source Performance Standards and under CAA section 112 Generally Available Control Technology Standards (GACT). The North American Industry Classification System (NAICS) code for the lead acid battery manufacturing industry is 335911. This NAICS code provides a guide for readers regarding the entities that this proposed action is likely to affect. Federal, state, local, and tribal government entities would not be affected by this proposed action. As defined in the *Initial List of Categories of Sources Under Section 112(c)(1) of the Clean Air Act Amendments of 1990* (see 57 FR 31576, July 16, 1992) and *Documentation for Developing the Initial Source Category List, Final Report* (*see* EPA–450/3–91–030, July 1992), the Lead Acid Battery Manufacturing source category is any facility engaged in producing lead acid or lead acid storage batteries, including, but not limited to starting-lightning-ignition (SLI) batteries and industrial storage batteries. The category includes, but is not limited to, the following lead acid battery manufacturing steps: Lead oxide production, grid casting, paste mixing, and three-process operation (plate stacking, burning, and assembly). The lead acid battery manufacture source category was identified as a pollutant specific minor source category in the *Priorities for New Source Performance Standards Under the Clean Air Act Amendments of 1977* (see EPA–450/3–78–019, April 1978), and added to the priority list in the *Revised Prioritized List of Source Categories for NSPS Promulgation* (see EPA–450/3–79–023, March 1979).

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-new-source-performance-standards* and *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-area-sources-national-emission.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at these same websites.

The proposed changes to the CFR that would be necessary to incorporate the changes proposed in this action are presented in an attachment to the memoranda titled: *Proposed Regulation Edits for 40 CFR part 63, subpart PPPPPP: National Emission Standards for Lead Acid Battery Manufacturing Area Sources* and *Proposed New Subpart KKa for 40 CFR part 60, subpart KKa: Standards of Performance for Lead Acid Battery Manufacturing Plants.* These memoranda are available in the docket for this action (Docket ID No. EPA–HQ–OAR–2021–0619) and include a redline version of the regulation for the NESHAP and new proposed regulatory language for the new NSPS subpart. Following signature by the EPA Administrator, the EPA will also post a copy of the memorandum for the area source NESHAP and the attachments to *https://www.epa.gov/stationary-sources-air-pollution//lead-acid-battery-manufacturing-area-sources-national-emission.* Regarding the NSPS, a copy of the memorandum and the attachments for the proposed regulatory language for the new subpart KKa will be posted to *https://www.epa.gov/stationary-sources-air-pollution/lead-acid-battery-manufacturing-new-source-performance-standards.*

II. Background

A. What is the statutory authority for this action?

1. NSPS Authority

The EPA's authority for this rule is CAA section 111, which governs the establishment of standards of performance for stationary sources. Section 111 of the CAA requires the EPA Administrator to list categories of stationary sources that in the Administrator's judgment cause or contribute significantly to air pollution

that may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. 7411(b)(1)(A). The EPA must then issue performance standards for new (and modified or reconstructed) sources in each source category. 42 U.S.C. 7411(b)(1)(B). These standards are referred to as new source performance standards or NSPS. The EPA has the authority to define the scope of the source categories, determine the pollutants for which standards should be developed, set the emission level of the standards, and distinguish among classes, types, and sizes within categories in establishing the standards. 42 U.S.C. 7411(b).

The CAA section 111(b)(1)(B) (42 U.S.C. 7411(b)(1)(B)) requires the EPA to ''at least every 8 years review and, if appropriate, revise'' new source performance standards. The CAA section 111(a)(1) (U.S.C. 7411(a)(1)) provides that performance standards are to ''reflect the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.'' 42 U.S.C. 7411(a)(1). This definition makes clear that the EPA is to determine both the best system of emission reduction (BSER) for the regulated sources in the source category and the degree of emission limitation achievable through application of the BSER. The EPA must then, under CAA section 111(b)(1)(B), promulgate standards of performance for new sources that reflect that level of stringency. CAA section 111(b)(5) precludes the EPA from prescribing a particular technological system that must be used to comply with a standard of performance. Rather, sources can select any measure or combination of measures that will achieve the standard.

Pursuant to the definition of new source in CAA 111(a), proposed standards of performance apply to facilities that begin construction, reconstruction, or modification after the date of publication of such proposed standards in the **Federal Register**.

2. NESHAP Authority

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112(d)(6) requires the EPA to review standards promulgated under CAA section 112(d) and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less often than every 8 years following promulgation of those standards. This is referred to as a ''technology review'' and is required for all standards established under CAA section 112(d) including generally available control technology standards that apply to area sources.[1] This action constitutes the 112(d)(6) technology review for the Lead Acid Battery Manufacturing area source NESHAP.

Several additional CAA sections are relevant to this action as they specifically address regulation of hazardous air pollutant (HAP) emissions from area sources. Collectively, CAA sections 112(c)(3), (d)(5), and (k)(3) are the basis of the Area Source Program under the Urban Air Toxics Strategy, which provides the framework for regulation of area sources under CAA section 112.

Section 112(k)(3)(B) of the CAA requires the EPA to identify at least 30 HAP that pose the greatest potential health threat in urban areas with a primary goal of achieving a 75-percent reduction in cancer incidence attributable to HAP emitted from stationary sources. As discussed in the Integrated Urban Air Toxics Strategy (64 FR 38706, 38715, July 19, 1999), the EPA identified 30 HAP emitted from area sources that pose the greatest potential health threat in urban areas, and these HAP are commonly referred to as the ''30 urban HAP.''

Section 112(c)(3), in turn, requires the EPA to list sufficient categories or subcategories of area sources to ensure that area sources representing 90 percent of the emissions of the 30 urban HAP are subject to regulation. The EPA implemented these requirements through the Integrated Urban Air Toxics Strategy by identifying and setting standards for categories of area sources including the Lead Acid Battery Manufacturing source category that is addressed in this action.

CAA section 112(d)(5) provides that for area source categories, in lieu of setting maximum achievable control technology (MACT) standards (which are generally required for major source categories), the EPA may elect to promulgate standards or requirements for area sources ''which provide for the use of generally available control technology or management practices [GACT] by such sources to reduce emissions of hazardous air pollutants.'' In developing such standards, the EPA evaluates the control technologies and management practices that reduce HAP emissions that are generally available for each area source category. Consistent with the legislative history, we can consider costs and economic impacts in determining what constitutes GACT.

B. What is this source category and how do the current rules regulate its emissions?

Lead Acid Battery Manufacturing includes any facility engaged in producing lead acid batteries. Pursuant to the CAA 111 authority described above, performance standards were set in 40 CFR part 60, subpart KK for the Lead Acid Battery Manufacturing source category on April 16, 1982 (47 FR 16564). Many years later, pursuant to the CAA 112 authority described above, GACT standards were set for the Lead Acid Battery Manufacturing source category on July 16, 2007 (72 FR 135). As noted above, this proposed action presents the required CAA 112(d)(6) technology review for that source category.

Under 40 CFR 60 subpart KK a lead acid battery manufacturing plant is defined as any plant that produces a storage battery using lead and lead compounds for the plates and sulfuric acid for the electrolyte. While 40 CFR 63 subpart PPPPPP defines a lead acid battery manufacturing plant in the same manner as 40 CFR 60 subpart KK, the source category under section 112 includes, but is not limited to, lead oxide production, grid casting, paste mixing, and three-process operation (battery assembly).

The batteries manufactured at these facilities include starting, lighting, and ignition batteries primarily used in automobiles as well as industrial and traction batteries. Industrial batteries include those used for uninterruptible power supplies and other backup power applications, and traction batteries are used to power electric vehicles such as forklifts.

The lead acid battery manufacturing process begins with the stamping or casting of Pb into grids. Lead oxide powder is mixed with water and sulfuric acid to form a stiff paste, which is then pressed onto the lead grids, creating plates. Lead oxide may be produced by the battery manufacturer, as is the case for many larger battery manufacturing plants or may be purchased from a supplier. The plates are cured, stacked, and connected into groups that form the individual elements of a lead acid battery. This stacking, connecting, and assembly of the plates into battery cases is generally

[1] For categories of area sources subject to GACT standards, CAA sections 112(d)(5) and (f)(5) provide that the residual risk review requirement of CAA section 112(f)(2) does not apply. No such exemption exists for the CAA section 112(d)(6) technology review.

performed in one operation termed the ''three process operation.''

There are 40 Lead Acid Battery Manufacturing facilities in the United States located across 18 states and owned by 19 different entities. There is a significant size range across the parent companies: From about 20 to 150,000 employees, and annual revenues from about $4 million to $47 billion. Eight parent companies, owning ten LAB facilities, are small businesses with revenues from $4 million to $147 million. In addition, a small entity owns two lead oxide manufacturing facilities that will become subject to the proposed NESHAP under our proposed revision to the applicability provisions.

Based on our review, we conclude that all 40 sources are currently subject to the NSPS for lead acid battery manufacturing plants in 40 CFR part 60, subpart KK. Subpart KK applies to all lead acid battery manufacturing plants constructed, reconstructed, or modified since 1982 if they produce or have the design capacity to produce in one day batteries containing an amount of Pb equal to or greater than 5.9 megagrams (6.5 tons). Based on available information, the production capacities for all 40 existing facilities are above this threshold. The current NSPS (''NSPS KK'') contains emissions limits for Pb and opacity limits from each of the specific lead acid battery manufacturing processes, including grid casting, lead oxide manufacturing, paste mixing, and three-process operation. It also includes Pb emissions limits and opacity limits for lead reclamation and other lead-emitting processes. As for the NESHAP, in 2007, the EPA promulgated GACT standards for the Lead Acid Battery Manufacturing area source category under 40 CFR part 63, subpart PPPPPP. The GACT standards include the same emissions and opacity limits as those in the Lead Acid Battery Manufacturing NSPS KK as well as some additional monitoring requirements that were not included in the NSPS KK. The NESHAP applies to all lead acid battery manufacturing facilities that are area sources regardless of production capacity. The EPA estimates that one of the 40 lead acid battery manufacturing facilities in the U.S. that is subject to the NSPS KK is a major source as defined under CAA section 112, and is therefore not subject to the area source GACT standards.[2] In addition to these 40 facilities, we estimate that there are six facilities that have one or more processes involved in the production of lead acid batteries, but they do not make the final battery product. One parent company is a small entity owning two facilities. These six facilities are not currently subject to either the NSPS KK or the area source NESHAP.

[2] East Penn Manufacturing, located in Pennsylvania.

C. What data collection activities were conducted to support this action?

During our reviews of the current NSPS (40 CFR part 60, subpart KK) and NESHAP (40 CFR part 63, subpart PPPPPP) and the development of the proposed new NSPS subpart (''NSPS KKa'') (*i.e.,* 40 CFR part 60, subpart KKa) and proposed amendments to the NESHAP, the EPA used emissions and supporting data from the 2017 National Emissions Inventory (NEI) and Toxics Release Inventory (TRI).

A variety of sources were used to compile a list of facilities subject to subpart KK and subpart PPPPPP. The list was based on information downloaded from the EPA's Enforcement and Compliance History Online (ECHO) database and the EPA's Emissions Inventory System (EIS) database. The ECHO system contains compliance and permit data for stationary sources regulated by the EPA. The ECHO database was queried by Standard Industrial Classification (SIC) and NAICS code as well as by subpart. The NEI data from 2017 were also queried through the EIS database. The industry association, Battery Council International (BCI), reviewed the draft facility list and provided updates where necessary.

D. What other relevant background information and data are available?

In addition to the NEI, TRI, ECHO, and EIS databases, the EPA reviewed the additional information sources listed below to determine whether there have been developments in practices, processes, or control technologies by lead acid battery manufacturing sources. These include the following:

- Air permit limits and selected compliance options from permits that were available online. A number of states did not have permits available online or only had some permits available online. Those permits were obtained through working with the EPA Regional Offices or communicating with states. Through these efforts, we obtained and reviewed state permits for 37 of the 40 plants currently subject to the rules to inform the technology review and BSER review and to obtain other relevant information about the source category such as monitoring approaches applied. We also obtained and reviewed six permits for the six additional facilities that, under the proposed revisions to the NESHAP's applicability provisions, would become subject to the NESHAP.
- Information provided by state agencies. This included such data as emissions tests, inspection reports, and emissions reports.
- Communication with the industry association representing the industry in the affected NAICS category and their members.
- Search of the Reasonably Available Control Technology (RACT)/Best Available Control Technology (BACT)/ Lowest Achievable Emission Rate (LAER) Clearinghouse (RBLC).
- A 1989 draft review document (titled Review of New Source Performance Standards for Lead-Acid Battery Manufacture, Preliminary Draft, October 1989), which is available in the docket for this rulemaking.

III. Analytical Procedures and Decision-Making

A. How does the EPA perform the NSPS review?

In reviewing an NSPS, the EPA reevaluates the BSER factors considering any advances in technologies, changes in cost, and other factors. The EPA evaluates whether available information from the implementation and enforcement of current requirements indicate that emission limitations and percent reductions beyond those required by the standards are achieved in practice. In reviewing an NSPS the following is considered:

- Expected growth for the source category, including how many new facilities, reconstructions, and modifications may trigger NSPS in the next 8 years.
- Advances in control technologies, process operations, design or efficiency improvements, or other factors that would lead to selection of a more stringent BSER. This includes an analysis of costs (capital and annual costs) and emission reductions (cost effectiveness) expected from such advances as well as any non-air quality health and environmental impact and energy requirements associated with those advances.

In addition to reviewing the BSER that were considered at the time NSPS subpart KK was developed, we reviewed additional data sources developed since NSPS subpart KK was promulgated in 1982. We also reviewed the NSPS KK and the available data to determine if any requirements associated with the current standards need to be updated to ensure compliance. See sections II.C and II.D of this preamble for information

on the specific data sources that were reviewed as part of this action.

B. How does the EPA perform the technology review?

For the NESHAP area source GACT standard, our technology review primarily focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the standards were promulgated. Where we identify such developments, we analyze their technical feasibility, estimated costs, energy implications, and non-air environmental impacts. We also consider the emission reductions associated with applying each development. This analysis informs our decision of whether it is ''necessary'' to revise the emissions standards. In addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original GACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original GACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original GACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original GACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original GACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. See sections II.C and II.D of this preamble for information on the specific data sources that were reviewed as part of the technology review.

IV. Analytical Results and Proposed Rule Summary and Rationale

A. Results of Ambient Air Monitoring Data and Model Screening Analyses

Since the primary HAP emitted from this source category is Pb, also a criteria pollutant, and because of significant concerns regarding the potential for Pb emissions from various sources to pose impacts to public health, including in environmental justice impacted communities, the EPA decided to conduct an analysis of available ambient air monitoring data near lead acid battery facilities as well as a screening analysis using dispersion modeling to assess the potential for impacts due to emissions from lead acid battery facilities. The results of these analyses are presented below and in more detail in the memoranda titled *Emissions and Ambient Monitoring Data Used for the Lead Acid Battery Manufacturing Rule Reviews* and *Assessment of Potential Health Impacts of Lead Emissions in Support of the 2022 Lead Acid Battery Manufacturing Technology Review of Area Sources Proposed Rule,* which are available in the docket for this proposed rule. These modeling results, along with the available monitoring data, indicate that the area sources are not likely to pose significant risks or impacts to human health if they are complying with the NESHAP.

1. Ambient Air Monitoring Analysis

Ten lead acid battery facilities have Pb ambient air monitors at or near the facility. The list of facilities and details on the data analysis can be found in the memorandum *Emissions and Ambient Monitoring Data Used for the Lead Acid Battery Manufacturing Rule Reviews.* Nine of the ten facilities have had Pb levels well below the Pb National Ambient Air Quality Standard (NAAQS), which is 0.15 μg/m^3 (based on a 3-month rolling average), at all times in the past 3 years (2018–2020). One facility in Kentucky had a NAAQS exceedance (where 3-month rolling average of monitored Pb levels exceeded 0.15 μg/m^3) in 2018 due to a baghouse malfunction. This malfunction was due to failure to operate and maintain the control equipment in a manner consistent with good air pollution control practices, and the malfunction was dealt with through an agreed order between the Energy and Environment Cabinet of Kentucky and the facility. The order is available in the docket for this proposed rule. The issue was fixed in 2018, and the ambient air Pb levels at the Kentucky facility were well below the NAAQS in 2019 and 2020.

2. Dispersion Modeling Screening Analysis

The EPA conducted a screening analysis using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) dispersion model for 17 lead acid battery facilities. This subset of facilities was chosen because they had an ambient monitor nearby (7 facilities; including 6 area source and one major source) or their total estimated Pb emissions were greater than 0.05 tons per year (tpy) (10 additional facilities). Results from this screening prompted more refined modeling of the seven facilities with monitors nearby. In this refined modeling, other lead-emitting sources located within 10 km of one of the monitors were included. The modeled annual concentrations of Pb were compared to monitored annual concentrations. Two adjustment factors were applied to the modeled annual concentrations: One to convert the annual concentrations to a 3-month rolling average, which is the form of the NAAQS, and the second to adjust the modeled result based on the ambient concentrations monitored at each site. The adjusted maximum modeled concentrations were well below the NAAQS of 0.15 μg/m^3 for all facilities modeled. More details on the modeling of the area sources are presented in *Assessment of Potential Health Impacts of Lead Emissions in Support of the 2022 Lead Acid Battery Manufacturing Technology Review of Area Sources Proposed Rule,* which is available in the docket. Based on these analyses, because all results were below the lead NAAQS, we conclude that the area sources are not likely to pose significant risks or impacts to human health if they are complying with the NESHAP. The one major source, while not subject to the area source NESHAP, is a well-controlled facility with emission limits equal to or more stringent than the emission limits in the NESHAP pursuant to state requirements. We intend to address this major source facility (and any other potential future major sources) in a separate future action.

B. What are the results and proposed decisions based on our NSPS review, and what is the rationale for those decisions?

This action presents the EPA's review of the requirements of 40 CFR part 60, subpart KK pursuant CAA 111(b)(1)(B). As described in section III.A of this preamble, the statutory review of the NSPS KK for lead acid battery manufacturing plants focused on

whether there are any emission reduction techniques that are used in practice that achieve greater emission reductions than those currently required by the NSPS KK for lead acid battery manufacturing and whether any of these developments in practices have become the ''best system of emissions reduction.'' Based on this review, we have determined that fabric filters with at least 99 percent control efficiency represent the updated BSER for grid casting and lead reclamation operations, and fabric filters with secondary filters (such as a high efficiency particulate air (HEPA) filter) are the updated BSER for paste mixing operations at large facilities with capacity to process greater than or equal to 150 tons per day (tpd) of Pb (referred to as large facilities for the remainder of this preamble). As such, we are proposing revised Pb emission limits to reflect the updated BSER for grid casting, lead reclamation, and paste mixing. The proposed updated standards would limit Pb from grid casting operations to 0.04 milligrams Pb per dry standard cubic meter (0.04 mg/dscm) (0.0000175 grains per dry standard cubic foot (gr/dscf)) and from lead reclamation facilities to 0.45 mg/dscm (0.000197 gr/dscf). The proposed updated standards would limit Pb to 0.1 milligrams Pb per dry standard cubic meter (0.1 mg/dscm, equivalent to 0.0000437 gr/dscf) for paste mixing operations at large facilities. The analyses and rationale for these proposed rule changes are explained below.

For facilities with capacity to process less than 150 tpd of Pb (referred to as small facilities for the remainder of this preamble), the EPA is proposing to retain the standard of 1 mg/dscm for paste mixing facilities and to retain the opacity limits for these operations (0 percent for grid casting and paste mixing and 5 percent for lead reclamation). The EPA is also proposing to retain the Pb emission limits and opacity limits for three-process operations, other lead-emitting operations, and lead oxide manufacturing. The analyses and rationale for proposing to retain the current standards for these operations are also explained below.

With regard to monitoring, testing, and other compliance assurance measures, we have identified proposed improvements to requirements associated with the current standards that will help ensure compliance, including: Bag leak detection system requirements for fabric filters at large facilities; increased inspections of fabric filters at all facilities without secondary filters to ensure proper performance; performance testing for compliance once every 5 years at all facilities (with allowances for representative stacks as determined by the delegated authority); and work practices to minimize fugitive dust emissions.

The results and proposed decisions based on the analyses performed pursuant to CAA section 111(b) are presented in more detail below. Pursuant to CAA section 111(a), the proposed standards included in this action apply to facilities that begin construction, reconstruction, or modification after February 23, 2022.

a. Revised Pb Emission Limit for Grid Casting Operations and Lead Reclamation

New source performance standards were first proposed in 40 CFR part 60, subpart KK for the Lead Acid Battery Manufacturing source category on January 14, 1980 (45 FR 2790). The EPA proposed lead emission limits based on fabric filters with 99 percent efficiency for grid casting and lead reclamation operations. The EPA documented its rationale for these proposed lead emission limits in the *Lead Acid Battery Manufacture-Background Information for Proposed Standards* (EPA–450/3–79–028a, November 1979). In public comments on the 1980 proposed rule, stakeholders had multiple concerns with the selection of fabric filtration as the best system of emission reduction for these operations. Commenters stated that these facilities were normally controlled by impingement scrubbers (at the time of the 1980 proposal). They further pointed out that the only grid casting facility that was controlled by a fabric filtration system at that time was plagued by fires and asserted that spark arrestors (a safety device used to prevent ignition of flammable emissions) would not solve the problem. Apart from the problem of fires, commenters contended that contaminants present in the exhaust gases from grid casting and lead reclamation would cause frequent bag blinding. In light of these issues, in 1982 the EPA promulgated final standards in NSPS subpart KK for grid casting and lead reclamation based on impingement scrubbers with 90 percent efficiency, instead of fabric filters.[3]

As discussed in the memorandum *Technology Review and NSPS Review for Lead Acid Battery Manufacturing* (hereafter referred to as ''Technology Review Memorandum''), since the promulgation of the 1982 NSPS KK, it has become feasible and common for lead acid battery manufacturing plants to control Pb emissions from the grid casting and lead reclamation processes with fabric filters without the issues (*e.g.,* fires and bag blinding) identified in the 1982 rulemaking. For example, during the current technology and BSER reviews, we discovered that most facilities (at least 30 of the 40 facilities currently subject to subpart KK) are now using fabric filters (with estimated efficiency of at least 99 percent), and sometimes combined with other controls (HEPA filters or scrubber) to control emissions from grid casting. Furthermore, we did not identify any facilities using only a wet scrubber. Therefore, we conclude that fabric filters are clearly feasible and well demonstrated as an appropriate control technology for grid casting operations. Also, based on our research, no facilities currently do lead reclamation. However, based on our review of 37 permits, we found two permits that mention having lead reclamation equipment, and those two lead reclamation processes are controlled with fabric filters.

With a reduction efficiency of 99 percent, compared to the 90 percent reduction efficiency for the emissions control technology available when the 1982 NSPS KK was developed, fabric filters represent an improvement in emissions reduction technology capable of reducing Pb emissions further than that of the current emission limits based on scrubbers.

To assess whether fabric filters are the best system of emission reduction for controlling Pb emissions from grid casting and lead reclamation processes, we examined the costs and emission reductions from installing and operating fabric filters on large and small facilities. In the 1989 draft review of the NSPS KK, EPA determined that a large facility was one that could produce in any one day an amount of lead equal to 150 tons, a medium facility could produce lead equal to 100 tons in any one day, and a small facility was one with the capacity to produce in any one day lead equal to 20 tons. Based on available data for existing facilities in this action, we determined that the threshold of 150 tons of lead per day is still an appropriate cut-off for large facilities. However, based on available information we determined that a broader category was appropriate to define all other facilities (with less than 150 tons per day capacity), which we refer to collectively as ''small'' facilities in this action.

To calculate costs, emission reductions, and cost effectiveness for grid casting and lead reclamation, we

[3] See the final NSPS published on April 16, 1982 (47 FR 16564) and the *Lead-Acid Battery Manufacture-Background Information for Promulgated Standards, November 1980,* EPA–450/3–79–028b.

used the estimated emissions from a 1989 EPA preliminary draft review of the NSPS KK as well as cost of controls from that 1989 document (scaled up to 2020 dollars). Further information regarding cost estimates and emission estimates are provided in the memoranda titled: *Estimated Cost Impacts of Best System of Emission Reduction Review of Subpart KK and Subpart PPPPPP Technology Review and Emissions and Ambient Monitoring Data Used for the Lead Acid Battery Manufacturing Rule Reviews,* which are available in the docket for this proposed rule. We estimated the costs of (1) a new grid casting and lead reclamation facility using fabric filters with 99 percent efficiency and (2) a theoretical ''baseline'' facility using a scrubber with 90 percent efficiency, consistent with the current standards in the NSPS subpart KK.[4] The baseline facility and their estimated emissions were developed using information from the 1989 study including Pb emissions estimates for the grid casting and lead reclamation process in the 1989 study that are representative of the level of emissions that would be emitted by a facility complying with the current NSPS KK standard (based on the application of an impingent wet scrubber at 90 percent reduction efficiency). A small and large baseline facility were then compared to a new model small and large facility with the application of a fabric filter at 99 percent reduction efficiency. The results of the cost and emissions analysis are discussed below.

Grid Casting Facility. We estimate Pb emissions for a small and large uncontrolled grid casting facility are 0.5 tpy and 1.3 tpy, respectively. We estimate Pb emissions for a small and large baseline grid casting facility which is complying with the current NSPS KK emission limit based on a wet scrubber with 90 percent efficiency are 0.05 tpy and 0.13 tpy, respectively. We estimate Pb emissions for a small and large model facility that would comply with an emission limit based on the application of a fabric filter with 99 percent efficiency are 0.005 tpy and 0.013 tpy, respectively.

Capital costs for the baseline facility to purchase and install a wet scrubber are estimated to be $114,000 for a small facility, and $316,000 for a large facility. Annualized costs for the baseline facility are estimated to be $56,000 for a small facility and $115,000 for a large facility.

Capital costs for the model facility to purchase and install a fabric filter with 99 percent efficiency are estimated to be $167,000 for a small facility and $402,000 for a large facility. Annualized costs for the model facility are estimated to be $79,600 for a small facility and $155,000 for a large facility.

The total reductions in Pb emissions with a fabric filter compared to uncontrolled emissions are estimated to be 0.45 tpy for a small facility and 1.2 tpy for a large facility. The incremental reductions in Pb emissions with a fabric filter compared to the current NSPS KK baseline controls (*i.e.,* impingent scrubber) are estimated to be 0.045 tpy (*i.e.,* 0.05 tpy − 0.005 tpy = 0.045 tpy) for a small facility and incremental cost effectiveness for a small grid casting facility is $524,000 per ton of Pb reduced. Incremental reductions in Pb emissions are estimated to be 0.12 tpy for a large facility with incremental cost effectiveness of $333,000 per ton of Pb. Detailed cost information and analyses for both sizes of facilities are shown in the Technology Review Memorandum available in the docket.

The results of the cost and emissions analyses indicate that the estimated cost effectiveness for the application of fabric filter to control Pb emissions are within the range of what the EPA has considered in other rulemakings to be a cost-effective level of control for Pb emissions relative to the baseline plant. For example, in the 2011 and 2012 Secondary Lead Smelting RTR proposed and final rules, the EPA accepted a cost effectiveness up to about $1.3M/ton for metal HAP (mainly Pb, based on 2009 dollars).[5] We also evaluated the addition of secondary HEPA filters along with fabric filters as a possible BSER, as described in the Technology Review Memorandum. However, we determined such additional controls are not cost effective for grid casting operations.

Given that fabric filters are a well-demonstrated and feasible control technology for grid casting (as described above) and given that this technology is cost effective, based on this review, we are proposing to determine that fabric filters with at least 99 percent control efficiency represent the new BSER for grid casting. Furthermore, we have not identified any non-air environmental impacts and energy requirements. Therefore, we are proposing to revise the Pb emissions limit for grid casting facilities to reflect the degree of emission limitation achievable through the application of the proposed BSER. The EPA is proposing in a new NSPS subpart (subpart KKa) a Pb emission limit of 0.04 mg/dscm that will apply to grid casting operations that commence construction, reconstruction, or modification after February 23, 2022.

Lead Reclamation Facility. We estimate Pb emissions for three types of facilities, as follows: (1) For a small and large uncontrolled lead reclamation facility are 0.4 tpy and 1.1 tpy, respectively; (2) for a small and large baseline lead reclamation facility (*i.e.,* based on the 1982 NSPS KK and application of an impingent wet scrubber with 90 percent control efficiency, as described above) are 0.04 tpy and 0.11 tpy, respectively; and (3) for a small and large model lead reclamation facility (based on application of a fabric filter with 99 percent control efficiency) are 0.004 tpy, and 0.011 tpy, respectively.

Capital costs for baseline facilities to purchase and install a wet scrubber are estimated to be $74,000 for a small and large lead reclamation facility based on our assumption that all plant sizes have the same size reclamation facility at the time reclamation occurs at such facilities (as explained above, we have not identified any facilities currently conducting lead reclamation). Annualized costs for the baseline facilities are estimated to be $27,500 for a small facility and $39,700 for a large facility.

Capital costs for the model facility to purchase and install a baghouse with 99 percent efficiency are estimated to be $91,000 for a small and large facility. Annual costs for the model facility are estimated to be $36,000 for a small facility and $52,700 for a large facility.

The cost effectiveness of application of a fabric filter compared to uncontrolled emissions for a small lead reclamation facility is $90,900 per ton of Pb reduced and for a large facility is $48,000 per ton of Pb. The incremental reductions in emissions are 0.036 tpy year for a small reclamation operation and 0.1 tpy for a large unit. The estimated incremental cost effectiveness of a fabric filter compared to NSPS KK baseline (application of a scrubber) for a small lead reclamation facility is $236,000 per ton of Pb reduced and for a large facility is $130,000 per ton of Pb. Detailed cost information for both facility size categories is shown in the Technology Review Memorandum.

Based on our research, we estimate that no facilities currently do lead reclamation. However, based on our review of 37 permits, we found two

[4] The 1989 draft review document (titled *Review of New Source Performance Standards for Lead-Acid Battery Manufacture, Preliminary Draft,* October 1989) is available in the docket for this rulemaking.

[5] See Secondary Lead RTR Proposed Rule, 76 FR 29032, May 19, 2011, and the Final rule, 77 FR 556, January 5, 2012.

permits that mention having lead reclamation equipment, and those two reclamation processes are controlled with fabric filters. We also evaluated the addition of secondary HEPA filters along with fabric filters as a possible BSER, as described in the Technology Review Memorandum. However, we determined such additional controls are not cost effective for lead reclamation activities.

Overall, based on our review, we conclude that it is technically feasible for facilities to control Pb emissions from lead reclamation with a fabric filter. Regarding costs, results of the cost analyses indicate that the cost effectiveness estimated are within the range of what the EPA has considered to be a cost-effective level of control for Pb emissions relative to the baseline model plant, as described above under the grid casting analysis section. Therefore, we are proposing to determine that fabric filters with at least 99 percent control efficiency represent the new BSER for lead reclamation facilities and we are proposing to revise the Pb emissions limit for lead reclamation facilities to reflect the degree of emission limitation achievable through the application of the proposed BSER. The EPA is proposing in a new NSPS subpart (subpart KKa) a revised Pb emissions limit of 0.45 mg/dscm that will apply to lead reclamation operations that commence construction, reconstruction, or modification after February 23, 2022.

b. Revised Pb Emission Limit for Paste Mixing Facilities

In the 1982 NSPS KK final rule April 16, 1982 (47 FR 16564), the EPA determined BSER for paste mixing was based on application of a fabric filter control system. The use of HEPA filters as a potential secondary control was not mentioned in either the 1980 proposed rule January 14, 1980 (45 FR 2790) or 1982 final rule April 16, 1982 (47 FR 16564) **Federal Register** notices.

However, since that time, as discussed in the Technology Review Memorandum, HEPA filters have become readily available. A notable number of facilities in the lead acid battery manufacturing source category now use HEPA filters to control emissions from some processes as a secondary control device following a fabric filter. HEPA filters are capable of removing at least 99.97 percent of particles with a size of 0.3 microns (μm). The diameter specification of 0.3 μm responds to the worst case—the most penetrating particle size. Particles that are larger or smaller are trapped with even higher efficiency. With a secondary HEPA filter's capability to achieve additional reduction efficiency of at least 99.97 percent following the fabric filters compared to the 99 percent reduction efficiencies of the primary fabric filter, the BSER emissions control technology available when the NSPS KK was developed (*i.e.,* fabric filters) combined with a secondary HEPA filter represents an improvement in emissions reduction technology. The EPA evaluated and considered this improvement in emissions reduction technology at grid casting, paste mixing, three-process operations, lead oxide manufacturing, and lead reclamation facilities. As described below, adding secondary HEPA filters to a paste mixing facility's current control device were found to be cost effective at large facilities while this technology was not found to be cost effective for the other processes or facilities considered. The results are discussed below and in more detail in the Technology Review Memorandum.

Paste Mixing Facility. Based on our review, paste mixing operations have the highest potential for Pb emissions compared to all other processes at lead acid battery manufacturing facilities. We identified 16 facilities (40 percent of the total) that currently have secondary filters to achieve much higher control efficiency on their paste mixing operations. This technology has been clearly demonstrated to be feasible for a number of facilities.

Emissions for a small and large baseline paste mixing facility (based on application of a fabric filter) are estimated to be 0.026 tpy and 0.10 tpy, respectively. Emissions for a small and large model facility with a fabric filter plus a secondary HEPA filter are estimated to be 8E–06 tpy, and 3E–05 tpy, respectively. With reduction efficiency of 99.97 percent, we estimate Pb emissions reductions from baseline facility compared to model facility with secondary HEPA filter would be 0.026 and 0.1 tpy for small and large facilities, respectively.

Capital costs for a new small facility to add secondary HEPA filters on their paste mixing process are estimated to be $57,000 and for a new large facility $135,000. Annualized costs are estimated to be $43,700 for a new small facility and $88,800 for a new large facility. We note that the EPA 1989 preliminary draft NSPS KK review document (cited above), indicated that facilities could achieve significant cost savings by recirculating air back into the plant and from recycling baghouse dust which would reduce annual cost estimates. However, based on our review of available information, we do not have reason to believe that these savings would occur today due to OSHA and RCRA requirements and potentially other factors such as various state requirements. This topic is discussed in more detail in the Technology Review Memorandum cited above. We solicit comment regarding whether or not cost savings would occur with the installation and operation of secondary HEPA filters and if so, how much savings would actually occur.

Given the estimated annual costs and estimated reductions described above, the incremental cost effectiveness of a fabric filter plus a secondary HEPA filter for a new small facility is estimated to be $1,680,000 per ton of Pb reduced and for a new large facility is $888,000 per ton of Pb reduced (in 2020 dollars) as compared to the baseline paste mixing facilities (based on application of a fabric filter). Detailed cost information for both facility size categories are provided in the Technology Review Memorandum.

The results of the cost and emission analyses indicate that the estimated cost effectiveness for new large facilities is within the range of what the EPA has considered to be a cost-effective level of control for Pb emissions. Furthermore, as mentioned above, we identified 16 facilities that currently apply this technology, which indicates the technology is clearly feasible. However, the results of the cost and emission analyses indicate that the estimated cost effectiveness for small facilities is above the range of what the EPA has considered to be a cost-effective level of control for Pb emissions. Further information regarding the cost estimates and emission estimates are provided in the memoranda titled: *Estimated Cost Impacts of Best System of Emission Reduction Review of Subpart KK and Subpart PPPPPP Technology Review and Emissions and Ambient Monitoring Data Used for the Lead Acid Battery Manufacturing Rule Reviews,* which are available in the docket for this proposed rule.

Since secondary HEPA filters have been demonstrated and are a feasible control technology for paste mixing (as described above), and because the estimated cost effectiveness for large facilities is within the range of values accepted previously by EPA, the EPA is proposing to determine that secondary HEPA filters represent the new BSER for paste mixing at large facilities. Furthermore, we have not identified any significant non-air environmental impacts and energy requirements. Therefore, we are proposing to revise the Pb emissions limit for paste mixing operations at large facilities to reflect

the degree of emission limitation achievable through the application of the proposed BSER. The EPA is proposing in a new NSPS subpart (subpart KKa) standard of performance of 0.1 mg/dscm that will apply to paste mixing operations at large facilities (*i.e.,* at facilities with capacity to process in one day an amount equal to or greater than 150 tons of Pb) that commence construction, reconstruction, or modification after February 23, 2022. We are not proposing any changes to the emissions limits for paste mixing operations at small facilities because of the costs and cost effectiveness, and potential economic impacts to the smaller facilities to add secondary filters if they were to undergo reconstruction, modification, or build a new small facility. Therefore, we are proposing to retain the current standard of 1.00 mg/dscm for paste mixing operations at small facilities that commence construction, reconstruction, or modification after February 23, 2022, as the analysis showed that the application of a fabric filter at 99 percent continues to be the BSER for these facilities.

c. Review of Other Process Units at Lead Acid Battery Manufacturing Facilities

In addition to paste mixing, we also evaluated potential updates to the BSER and the emissions limits for the three-process operations and lead oxide manufacturing but did not identify any cost-effective options. Therefore, we are proposing to retain in the new NSPS subpart (subpart KKa) the emissions limits for these two emissions sources (*i.e.,* 1.00 mg/dscm for three-process operations and 5.0 mg/kg feed for lead oxide manufacturing) for facilities that commence construction, reconstruction, or modification after February 23, 2022. The data and analyses regarding these operations are provided in the Technology Review Memorandum, which is available in the docket.

d. Fabric Filter and Scrubber Monitoring, Reporting, and Recordkeeping Requirements That Are Consistent With the Requirements in 40 CFR Part 63, Subpart PPPPPP

As mentioned above, we have identified improvements in compliance requirements related to the current performance standards for lead acid battery manufacturing facilities. In addition to proposing the revised performance standards discussed above, we are proposing minor changes to be included in the new NSPS subpart KKa to update the applicable requirements and enhance compliance and enforcement. A standard requirement for monitoring scrubber systems is to measure liquid flow rate across the system. The NSPS KK currently only requires monitoring and recording pressure drop across the scrubber system every 15 minutes. We propose to add an additional requirement to monitor and record liquid flow rate across each scrubbing system at least once every 15 minutes. We expect that there would be no costs associated with this requirement for new sources because this is a standard monitoring equipment in scrubbing systems. Many of the lead acid battery manufacturing facilities use fabric filters for controls, but the current NSPS subpart KK does not include compliance requirements for these devices. We propose to add monitoring, reporting, and recordkeeping requirements associated with the use of fabric filters to the new NSPS subpart KKa. These proposed requirements are consistent with the monitoring, reporting, and recordkeeping requirements for lead acid battery manufacturing sources that use fabric filters to comply with the current area source GACT requirements in 40 CFR part 63, subpart PPPPPP along with three proposed amendments for subpart PPPPPP in this action, as follows: Increased frequency of fabric filter inspections from semi-annually to monthly for fabric filters without secondary filters (*e.g.,* HEPA filters); replacement bags on site; and addition of bag leak detection systems for large facilities that do not have secondary filters, as described in more detail below. The proposed requirements, for any emissions point controlled by a fabric filter, include the following:

- You must perform and record monthly inspections and maintenance to ensure proper performance of each fabric filter unless you have a secondary filter (see below). This includes inspection of structural and filter integrity.
- You must either install, maintain, and operate a pressure drop monitoring device to measure the differential pressure drop across the fabric filter at all times when the process is operating, and record pressure drop at least once per day or conduct a visible emissions observation at least once per day. If pressure drop is outside the normal range or visible emissions (VE) are detected, you must record the incident, and take and record immediate corrective action. In the case where pressure drop is outside the normal range, you must also submit a monitoring system performance report; and in the case of detected VEs, you must also conduct an opacity measurement (Method 9), and if it exceeds the applicable opacity standard then you must also submit an excess emissions report.
- For systems with fabric filters equipped with a secondary filter, you may monitor (pressure drop or visible emissions) less frequently (weekly), and you may perform and record inspections and maintenance as directed by the manufacturer, but no less frequently than semi-annually to ensure proper performance of each fabric filter.
- To ensure timely repair, facilities must keep replacement filters on site in case filters are damaged.

e. Bag Leak Detection Systems for Large Facilities

Through the review of regulations developed since the promulgation of the lead acid battery manufacturing NSPS KK, it was found that the NESHAP for Primary Lead Processing (40 CFR part 63, subpart TTT) and Secondary Lead Smelters (40 CFR part 63, subpart X) require fabric filters (*i.e.,* baghouses) to have bag leak detection systems at new and existing sources, unless a secondary HEPA filter is used. These systems typically include an instrument that is capable of monitoring particulate matter loadings in the exhaust of a baghouse in order to detect bag failures (*e.g.,* tears) and an alarm to alert an operator of the failure. These bag leak detection systems help ensure continuous compliance and detect problems early on so that damaged fabric filters can be quickly inspected and repaired as needed to minimize or prevent the release of noncompliant emissions. The current lead acid battery manufacturing NSPS KK and area source NESHAP do not have bag leak detection system requirements, but based on the permit review, we determined that eight plants currently use bag leak detection systems. Therefore, we consider the use of a bag leak detection system to be a development in operational procedures that will ensure compliance with the NSPS KKa by identifying and correcting fabric filter failures earlier than would be indicated by the daily VE or pressure drop monitoring.

The capital costs are estimated to be $68,000 and annualized costs of $14,000 per baghouse. Most existing facilities have several stacks. Given the typical number of stacks at a large facility (about 12), we estimate the total capital costs for a new large facility to include bag leak detection systems would be $802,000 and annual costs to operate and maintain the system to be $161,000. However, as described in section IV.B.d above, these facilities will not need to conduct daily pressure drop readings or VE observations and monthly inspections; therefore, we expect there

to be an associated unquantified cost savings and the actual total annual costs will be somewhat lower than the values shown in this paragraph.

As discussed in section II.B above, there is a significant size range across the parent companies: From about 20 to 150,000 employees, and annual revenues from about $4 million to $47 billion. Nine parent companies, owning ten LAB facilities and two lead oxide manufacturing facilities, are small businesses. We assume the large facilities are likely to be on the higher end of the range with regard to number of employees and annual revenues and less likely to qualify as a small business. Since bag leak detection systems are a useful tool to help ensure compliance and minimize or prevent noncompliant emissions and given the range of revenues across the companies, we think the costs are reasonable and feasible for the large facilities. Therefore, the EPA is proposing that large facilities (*i.e.,* those with equal to or greater than 150 tpd capacity) must install and operate bag leak detection systems on units that do not have a secondary filter, such as a HEPA filter. We are also proposing that these large facilities that will need to install and operate bag leak detection systems, and any other facility (*i.e.,* those with less than 150 tpd capacity) in the source category that uses bag leak detection systems due to state requirements or other reasons, will not need to conduct daily pressure drop readings or VE observations and monthly inspections (described in section IV.B.d above).

With regard to small facilities, as mentioned above, the capital costs are estimated to be $68,000 and annualized costs of $14,000 per baghouse. The average area source facility has about 8 baghouses, with a range of 1 to 33. Given the configurations of existing facilities, we assume a typical new small facility would have 3–6 baghouses. Therefore, capital costs could be in the range of $200,000 to $400,000 and annual costs could be in the range of $42,000 to $84,000 for a new small facility. As discussed in section II.B above, there is a significant size range across the parent companies: From about 20 to 150,000 employees, and annual revenues from about $4M to $47B. Nine parent companies, owning ten LAB facilities and two lead oxide manufacturing facilities, are small businesses.

Given the costs of bag leak detection systems and the range of size of companies, range of revenues and number of small businesses, the EPA has determined the costs for bag leak detection systems could be excessively burdensome for smaller facilities and could impose significant economic impacts on some of those companies; therefore, we propose that these facilities will have the monitoring requirements discussed in section IV.B.*d* above (*i.e.,* inspections and VE or pressure drop readings), but not a requirement to install bag leak detection systems.

f. Performance Testing

The Lead Acid Battery Manufacturing NSPS KK requires that plants conduct an initial performance test for new, modified, or reconstructed facilities to establish that the emissions limits for that particular type of equipment can be met. In addition, performance tests are also frequently used to establish operating parameters that can be monitored to show ongoing compliance with the relevant standard(s).

While the current Lead Acid Battery Manufacturing NSPS KK requires only an initial performance test, our review of permits revealed that many state and local air agencies require plants to conduct periodic performance tests. Almost half of all 40 facilities are required to conduct performance tests on a schedule that varies from annually to once every 5 years. In addition, the EPA has been adding requirements to NESHAP when other amendments are being made to the rules to include performance tests to ensure compliance. For instance, while the original Asphalt Processing and Roofing Manufacturing NESHAP only required an initial one-time performance test, in the 2020 RTR final rule the EPA established that performance tests must be conducted at least once every 5 years (85 FR 14526) for that source category. The Iron and Steel Foundries NESHAPs also require testing of once every 5 years. Furthermore, while the original Secondary Lead Smelting NESHAP that was promulgated in 1995 only required initial performance tests for total hydrocarbons (THC), the regulation has been revised to now require annual performance tests for THCs (on the same schedule as annual testing requirements for Pb) and requires performance tests every 6 years for dioxin and furans from each source that emits those pollutants, unless the facility uses continuous emissions monitors. We consider these more frequent performance testing requirements to be a development in operational procedures that will help ensure continued compliance with the Lead Acid Battery Manufacturing NSPS KKa by identifying emissions sources that are no longer meeting the relevant standards due to equipment deterioration or other issues.

The EPA is proposing to include in the Lead Acid Battery Manufacturing NSPS subpart KKa compliance provisions to require owners or operators of lead acid battery manufacturing affected sources to conduct performance tests once every 5 years. However, to minimize the cost impacts of such testing, the EPA is proposing to allow facilities that have two or more processes and stacks that are very similar and have the same type of control devices to test just one stack as representative of the others as approved by the EPA or the delegated authority. To explain further, in order to obtain approval for representative testing, we are proposing that facilities must submit a test plan to the EPA or the delegated authority which includes a detailed description of why the company thinks a certain stack is representative of other stacks (including input materials, detailed process description, and control devices) for review and approval by EPA or the delegated authority before such testing is performed. We are also proposing to require that the unit (within a group of stacks determined to be representative of one another) with the oldest performance test must be tested first. The order of testing for each subsequent test within that group of stacks must proceed such that the unit with the least recent performance test is the next unit to be tested. Thus, units with multiple, similar stacks will have to rotate their testing every 5-years, starting with the stack with the least recent performance test. Along with the test plan, we are also proposing that facilities must create a testing schedule, consistent with this proposed approach which indicates when subsequent tests will be performed, to be reviewed and approved by EPA or the delegated authority.

We estimate that performance testing for Pb costs about $23,000 to test one stack and an additional $5,500 to test each additional stack during the same testing event. Estimated costs for a new facility will depend on the total number of stacks to be tested. We conclude these costs are reasonable given the importance of periodic testing to help ensure continuous compliance with the standards and to ensure the control devices continue to operate as designed.

g. Work Practices To Minimize Fugitive Dust Emissions

Through the review of permits for lead acid battery manufacturing facilities, we found that some permits include fugitive dust minimization programs. In addition, since the development of the Lead Acid Battery Manufacturing NSPS KK, other rules,

including the NESHAPs for primary and secondary lead smelting, have required new and existing sources to minimize fugitive dust emissions at the facilities, such as through the paving of roadways, cleaning roadways, storing lead oxide in enclosed spaces or containers, and other measures. These programs are designed to minimize particulate Pb that has been deposited to the outdoor surfaces at the facilities from becoming airborne emissions and to minimize the fugitive dust emissions from material handling and other processes that occur inside the buildings or outdoors. Neither the Lead Acid Battery Manufacturing NSPS KK nor the area source NESHAP have any fugitive dust minimization requirements to limit Pb emissions from these sources.

We are proposing to include in the NSPS subpart KKa a requirement for facilities to develop and implement a fugitive dust minimization plan, which must include certain elements, such as the following:

i. Clean or treat surfaces used for vehicular material transfer activity at least monthly;

ii. store dust-forming material in enclosures; and

iii. inspect process areas daily for accumulating lead-containing dusts and wash and/or vacuum the surfaces accumulating such dust with a HEPA vacuum device/system.

We estimate that the cost burden will be mostly labor to develop and implement the dust plan. Total estimated initial cost for a new facility to develop a fugitive dust plan is $7,600 and annual costs to implement the plan are estimated to be $13,000 per facility per year. We conclude these costs are relatively low and will prevent significant releases of fugitive dust emissions. Furthermore, we have not identified any significant non-air environmental impacts and energy requirements. These measures are therefore considered to be cost effective.

h. Summary

In summary, the EPA is proposing revised Pb emission limits for grid casting and lead reclamation (for all facilities), and a revised limit for paste mixing (for large facilities only), under a new NSPS subpart (KKa) for LAB facilities that begin construction, reconstruction, or modification after February 23, 2022. In addition, the EPA is proposing the following amendments under the new NSPS subpart KKa (for lead acid battery facilities that begin construction, reconstruction or modification after February 23, 2022): Performance testing once every 5 years to demonstrate compliance; work practices to minimize emissions of fugitive lead dust; increased inspection frequency of fabric filters; bag leak detection systems for large facilities; electronic reporting of performance test results and semiannual compliance reports; and proposing that the standards will apply at all times including periods of SSM. As explained above, we are proposing the revised limits and work practice standards because we conclude that these proposed standards are cost effective, and we have not identified any significant non-air environmental impacts and energy requirements. Furthermore, we are proposing the improved monitoring requirements for fabric filters and scrubbers (described above) and periodic testing requirement of once every 5 years because these measures will help ensure continued compliance and detect problems early on so that damaged fabric filters can be quickly inspected and repaired as needed. These proposed standards and other requirements (for 40 CFR part 60, subpart KKa) would apply to lead acid battery manufacturing facilities that commence construction, reconstruction, or modification after February 23, 2022.

C. What are the results and proposed decisions based on our technology review, and what is the rationale for those decisions?

As described in section III.B of this preamble, the technology review for the area source NESHAP for lead acid battery manufacturing focused on the identification and evaluation of potential developments in practices, processes, and control technologies that have occurred since the NESHAP was promulgated in 2007. In conducting the technology review, we reviewed various information sources regarding the emissions from lead acid battery manufacturing operations and other relevant information such as control technologies applied, work practices used, processes, and monitoring approaches. Through searches of these data sources, several developments in practices, processes, or control technologies were identified, evaluated and considered. As discussed below, these include developments and improvements that could affect the level of one or more of the emissions limits or result in the addition of work practice standards and/or revised compliance assurance measures. Based on this review and evaluations, the EPA is proposing the following amendments to 40 CFR part 63, subpart PPPPPP pursuant to CAA section 112(d):

- A revised Pb emission limit for grid casting operations and lead reclamation to reflect developments in technology;
- A revised Pb emission limit for paste mixing operations at large facilities to reflect developments in technology;
- Improved monitoring of emission points controlled by fabric filters and scrubbers;
- Bag leak detection systems for large facilities;
- Performance testing requirements; and
- Work practices to minimize fugitive dust emissions.

The data, analyses, results, and proposed decisions for each of these proposed amendments pursuant to CAA section 112(d) are presented below.

a. Revised Lead Emission Limits for Grid Casting Operations and Lead Reclamation

The methodology used to analyze the use of fabric filters in the grid casting and lead reclamation processes for new, reconstructed, and modified sources is described in section IV.B.a. The data, analyses and decisions for each of these two processes at existing area source facilities is discussed in this section below.

Grid Casting Facility. As discussed in section IV.B.a above, the emission limit promulgated in the 1982 NSPS was based on an impingement scrubber with 90 percent control efficiency. In the 2007 NESHAP final rule, the EPA adopted that same limit (based on impingent scrubbers) as the limit for grid casting in the NESHAP. Based on our review of facility permits, the majority of existing area source facilities (at least 29 of the 39 facilities subject to the NESHAP) are now using fabric filters with at least 99 percent control efficiency for their grid casting emissions. Some facilities are also using secondary control devices such as a wet scrubber or HEPA filter in addition to the primary fabric filters to achieve further emissions control. Furthermore, we did not identify any facilities using only a wet scrubber. Therefore, we conclude that fabric filters are clearly feasible and well demonstrated as an appropriate control technology for grid casting operations. Based on these findings, the EPA is proposing a revised Pb emission limit in the NESHAP for new and existing grid casting facilities of 0.04 mg/dscm (0.0000175 gr/dscf) based on the use of fabric filters with at least 99 percent control efficiency. We estimate costs would be minimal to none for all existing area source facilities to comply with the new grid casting emission limit. Regarding new sources, as described in more detail in section IV.B.a, we conclude that fabric filters are a well-demonstrated and

feasible control technology for grid casting and that this technology is cost effective for new, reconstructed, and modified sources.

Lead Reclamation Facility. We estimate that there are no existing facilities currently conducting lead reclamation activities as defined in the rule. However, there is some uncertainty in this conclusion because of the following data gaps: We did not have access to three facility permits; and based on our review of 37 air permits, two permits mentioned lead reclamation equipment which are controlled by fabric filters. However, it is not clear if the facilities are actively conducting lead reclamation as it is defined in the rule. As discussed in more detail in section IV.D.c. many facilities send their Pb scrap to a secondary lead smelter or remelt their on-site scraps and use the molten Pb directly in a process instead of reforming it into an ingot for later use.

Nevertheless, based on our analysis of existing sources (presented above) and the analysis for new sources (presented in section IV.B.a), the EPA is proposing a revised Pb emission limit of 0.45 mg/dscm (0.000197 gr/dscf) for new and existing area source facilities, if they conduct lead reclamation, based on the use of fabric filters with 99 percent control efficiency. We estimate no cost impacts to existing sources due to this proposed revised limit because we did not identify any facilities currently conducting lead reclamation, and the two facilities which mention the presence of reclamation equipment in their permits already have fabric filters as the control technology for those units. Regarding new sources, as described in section IV.B.a, we conclude that it is technically feasible and cost effective for new, reconstructed, and modified facilities to control Pb emissions from lead reclamation with a fabric filter.

b. Revised Pb Emission Limit for Paste Mixing Facilities

The EPA is proposing a revised Pb emission limit of 0.1 mg/dscm (0.0000437 gr/dscf) for paste mixing facilities at new and existing large facilities. However, the EPA is proposing to retain the paste mixing facility Pb emission limit of 1 mg/dscm (0.000437 gr/dscf) for new and existing small facilities. The methodology used to analyze the use of secondary filters in the paste mixing process for new sources is described in Section IV.B.b. The data, analyses, and decisions, including the cost and cost effectiveness for existing facilities, is discussed in this section.

As mentioned in section IV.B.b, we identified 16 paste mixing facilities (40 percent of the total) that currently have secondary filters to achieve much higher control efficiency on their paste mixing operations. Capital costs for an existing small facility that currently has a fabric filter to retrofit to add a secondary HEPA filter on their paste mixing process are estimated to be $63,000, and for an existing large facility, $149,000. Annualized costs are estimated to be $45,000 for an existing small facility and $91,000 for an existing large facility. We estimate five existing facilities would need to add these controls resulting in total industry capital costs of $745,000 and annualized costs of $455,000 and achieving 0.5 tpy reduction of Pb emissions.

The cost effectiveness for an existing small facility is $1,730,000 per ton of Pb reduced and for an existing large facility is $910,000 per ton of Pb. Detailed cost information for both facility size categories is shown in the Technology Review Memorandum.

The results of the cost analyses for existing large facilities indicate that the estimated cost effectiveness of adding a secondary HEPA filter on the paste mixing process is within the range of what the EPA has considered to be a cost-effective level of control for Pb emissions, but it is not cost effective for existing small facilities. Furthermore, we expect that smaller facilities would likely have lower annual revenues compared to the larger facilities and we assume the smaller facilities are more likely be owned by small businesses. Therefore, we expect that in general the small facilities would be more likely to experience significant economic impacts if they were required to install secondary filters on their paste mixing operations. For these reasons, we are not proposing any changes to the emissions limits for paste mixing operations at small facilities because of the costs, cost effectiveness, and potential for significant economic impacts to some small businesses.

c. Review of Other Process Units at Lead Acid Battery Manufacturing Facilities

In addition to grid casting, reclamation, and paste mixing, we also evaluated potential revisions to the emissions limits for the three-process operations and lead oxide manufacturing but did not identify any cost-effective options. Therefore, we are not proposing any changes to the emissions limits for these processes. The data and analyses regarding these operations are provided in the Technology Review Memorandum available in the docket.

d. Improved Monitoring of Emission Points Controlled by Fabric Filters and Scrubbers

The area source NESHAP requires that for emission points controlled by a fabric filter, semiannual inspections and maintenance must be conducted to ensure proper performance of the fabric filter. In addition, pressure drop or visible emission (VE) observations must be conducted for the fabric filter daily (or weekly if the fabric filter has a secondary HEPA filter) to ensure the fabric filter is functioning properly. To reduce the likelihood of malfunctions that result in excess lead emissions, the EPA is proposing to increase the frequency of fabric filter inspections and maintenance operations to monthly for units that do not have a secondary filter and retain the requirement for semi-annual inspections for units that do have a secondary filter.

Due to state and local permitting conditions, some facilities already are required to perform additional inspections to ensure equipment is functioning properly. This includes performing inspections of the fabric filter on a more frequent basis, ranging from weekly to quarterly, and includes performing inspections of additional equipment, such as dust collection hoppers and conveyance systems. We consider these more stringent inspection requirements to be a development in operational procedures that would help ensure continued compliance by identifying and correcting problems earlier.

Through the permit review, we also found that several plants have requirements to keep replacement fabric filters onsite. The area source NESHAP does not include requirements to keep replacement filters or other materials onsite. While not elaborated on in the permits, these requirements would ensure that when any issue or damage is noted with a fabric filter, a timely replacement of the filter can be performed to ensure the control device functions as intended. Such requirements also prevent unnecessary delays with fabric filter repairs and minimize the duration that processes would continue to operate with higher emissions until a replacement filter can be obtained. These requirements would also ensure that any shutdown of the processes would be minimized as the replacement parts would be readily available for the repair to be completed.

The EPA is proposing that inspections of emission points with fabric filters that are not followed by a secondary filter must be conducted monthly instead of semi-annually. For units with

a secondary filter the EPA proposes to retain the requirement for semi-annual inspections. We are also proposing to require all facilities to have replacement filters on hand in case filters are damaged, and we are proposing that large facilities must also have replacement secondary filters on hand for the paste mixing process control devices. We estimate that capital costs for replacement primary filters are less than $100 per filter and replacement secondary filters are $350 per filter depending on the specifications of the equipment. There are no new additional annual costs (compared to the current NESHAP) because in the event a filter needed to be replaced, facilities would incur those costs regardless of this requirement. Even though there is an upfront cost to keep these replacement filters on hand, we estimate there would be no change in net costs over time associated with this requirement because the replacement filters would eventually be needed regardless of whether they are already onsite. We estimate costs for the additional inspections will vary depending on the number of emission sources controlled with fabric filters that do not have secondary filters. Based on our estimation, each additional inspection would cost approximately $200.

As discussed in section IV.B.*d,* standard monitoring of scrubbing systems include measuring liquid flow rate across the scrubbing system. We propose to add a requirement to measure and record the liquid flow rate across each scrubbing system (that is not followed by a fabric filter) at least once every 15 minutes in the NESHAP in addition to monitoring pressure drop across each scrubbing system. Based on our review, we only identified three facilities that have a scrubber system that is not followed by a fabric filter. Therefore, we estimate that this requirement will only impact three existing facilities. Based on our review of the operating permits for these facilities, at least one is already monitoring liquid flow rate across scrubbing systems every 15 minutes. For the other two facilities, we expect that their scrubbing systems already include the capability to measure liquid flow rate since it is a standard requirement to ensure a scrubbing system is operating properly; therefore, we estimate these facilities will not have any capital costs to comply with this requirement but may have small unquantified increase in annual costs due to recordkeeping requirements.

e. Bag Leak Detection Systems for Large Facilities

As discussed in section IV.B.e, the EPA found several lead acid battery facilities that have bag leak detection systems. We consider the use of bag leak detection systems a development in operational procedures that will assure compliance with the area source NESHAP by identifying and correcting fabric filter failures earlier than would be indicated by the daily pressure drop monitoring or daily VE monitoring. The EPA has promulgated other recent rulemakings that have included this requirement for units that do not have a secondary filter such the 2012 Secondary Lead Smelting NESHAP amendments (77 FR 3, 556, January 5, 2012).

The EPA is proposing that new and existing large facilities that do not have secondary filters must install and operate bag leak detection systems to ensure continuous compliance with the NESHAP and detect problems early. Capital costs are estimated to be $68,000 per baghouse and annual costs are estimated to be $14,000 per baghouse. We estimate that there are approximately 13 large facilities in the source category, and that 8 of these large facilities will need to add bag leak detection systems. The other 5 facilities either already have a bag leak detection system or already have secondary HEPA filters. Capital costs for the 13 facilities are estimated to be in the range of $0 (for facilities that already have bag leak detection systems or secondary filters) to $816,000 per facility (for a facility that has 12 fabric filters and that currently has no bag leak detection systems or secondary filters). The estimated annual costs range from $0 to $164,000 per facility. Total capital costs for all eight facilities are estimated to be $2.5 million and total annual costs for all eight facilities are estimated to be $506,000. However, we are not proposing a requirement for small facilities because it would impose significant economic impacts on some small businesses.

f. Performance Testing

Currently, the NESHAP requires facilities to conduct an initial compliance test. As discussed in section IV.B.f, the EPA has proposed and promulgated periodic performance testing in other recent rulemakings. In this action, we are proposing a requirement to conduct compliance testing at least once every 5 years for all existing and new area sources. To reduce some of the cost burden, the EPA is proposing to allow facilities that have two or more processes and stacks that are very similar, and have the same type of control devices, to test just one stack as representative of the others as approved by the delegated authority. We are proposing that the NESHAP will include the same testing requirements that EPA is proposing under the new NSPS subpart KKa, as discussed in section IV.B.f.

Costs for existing facilities are estimated to range from $23,000 to $181,000 per facility every 5 years, depending on the total number of stacks to be tested.

g. Work Practices To Minimize Fugitive Dust Emissions

The EPA is proposing that all facilities must develop and implement a fugitive dust plan which includes at a minimum the work practices discussed in section IV.B.g. We estimate that most facilities are already doing these work practices, and that the cost burden will be mostly labor to develop and implement the dust plan. Total estimated costs range from $0 (for facilities that already have a fugitive dust plan and are implementing it) to $20,000 per facility per year.

D. What other actions are we proposing, and what is the rationale for those actions?

1. NSPS, 40 CFR Part 60, Subpart KKa

In addition to the proposed actions described above, we are proposing additional revisions to the NSPS KK as part of the new proposed subpart KKa. We are proposing that emission limits and opacity limits will apply at all times, including during startup, shutdown, and malfunction (SSM) in order to ensure that the limits are consistent with the decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008). We also are proposing to require electronic reporting for performance tests and semiannual excess emissions and continuous monitoring reports, and a clarification to the definition of ''lead reclamation.'' Our analyses and proposed changes related to these issues are discussed below.

a. Proposal of NSPS Subpart KKa Without Startup, Shutdown, Malfunction Exemptions

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM

exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some section 112 standards apply continuously. Consistent with *Sierra Club* v. *EPA,* we are proposing standards in this rule that apply at all times. The NSPS general provisions in 40 CFR 60.11(c) currently exclude opacity requirements during periods of startup, shutdown, and malfunction and the provision in 40 CFR 60.8(c) contains an exemption from non-opacity standards. We are proposing in subpart KKa specific requirements at section 60.372a(a) that override the general provisions for SSM. We are proposing that all standards in subpart KKa apply at all times, including the opacity limits in 40 CFR part 60.

The EPA has attempted to ensure that the general provisions we are proposing to override are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, has not proposed alternate standards for those periods. We discussed this issue with industry representatives and asked them if they expect any problems with the removal of the SSM exemptions. The lead acid battery manufacturing industry did not identify (and there are no data indicating) any specific problems with removing the SSM provisions. The main control devices used in this industry are fabric filters. We expect that these control devices are effective in controlling emissions during startup and shutdown events. With regard to malfunctions, these events are described in the following paragraph.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead they are, by definition, sudden, infrequent, and not reasonably preventable failures of emissions control, process, or monitoring equipment. (40 CFR 60.2). The EPA interprets CAA section 111 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 111 standards. Nothing in CAA section 111 or in case law requires that the EPA consider malfunctions when determining what standards of performance reflect the degree of emission limitation achievable through ''the application of the best system of emission reduction'' that the EPA determines is adequately demonstrated. While the EPA accounts for variability in setting emissions standards, nothing in section 111 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels EPA to consider such events in setting section 111 standards of performance. The EPA's approach to malfunctions in the analogous circumstances (setting ''achievable'' standards under section 112) has been upheld as reasonable by the D.C. Circuit in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (D.C. Cir. 2016).

b. Electronic Reporting

The EPA is proposing that owners and operators of lead acid battery manufacturing plants subject to the NSPS at 40 CFR part 60, subpart KKa submit electronic copies of required performance test reports and the semiannual excess emissions and continuous monitoring system performance and summary reports, through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). A description of the electronic data submission process is provided in the memorandum *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* available in the docket for this action. The proposed rule requires that performance test results collected using test methods that are supported by the EPA's Electronic Reporting Tool (ERT) as listed on the ERT website [6] at the time of the test be submitted in the format generated through the use of the ERT or an electronic file consistent with the xml schema on the ERT website, and other performance test results be submitted in portable document format (PDF) using the attachment module of the ERT. For the semiannual excess emissions and continuous monitoring system performance and summary reports, the proposed rule requires that owners and operators use the appropriate spreadsheet template to submit information to CEDRI. A draft version of the proposed template(s) for these reports is included in the docket for this action.[7] The EPA specifically requests comment on the content, layout, and overall design of the template(s).

Additionally, the EPA has identified two specific circumstances in which electronic reporting extensions may be provided. These circumstances are (1) Outages of the EPA's CDX or CEDRI which preclude an owner or operator from accessing the system and submitting required reports and (2) *force majeure* events, which are defined as events that will be or have been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevent an owner or operator from complying with the requirement to submit a report electronically. Examples of *force majeure* events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility. The EPA is providing these potential extensions to protect owners and operators from noncompliance in cases where they cannot successfully submit a report by the reporting deadline for reasons outside of their control. In both circumstances, the decision to accept the claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible.

The electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability and transparency, will further assist in the protection of public health and the environment, will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance with requirements and by facilitating the ability of delegated state, local, tribal, and territorial air agencies and the EPA to assess and determine compliance, and will ultimately reduce burden on regulated facilities, delegated air agencies, and the EPA. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to the affected facilities, air agencies, the EPA, and the public. Moreover, electronic reporting is

[6] *https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert.*

[7] See EPA Form 5900–577 *Lead_Acid_Battery_Manufacturing_Semiannual_Excess_Emissions_CMS_Performance_Report_Template.xlsx* available at Docket ID. No. EPA–HQ–OAR–2021–0619.

consistent with the EPA's plan [8] to implement Executive Order 13563 and is in keeping with the EPA's Agency-wide policy [9] developed in response to the White House's Digital Government Strategy.[10] For more information on the benefits of electronic reporting, see the memorandum *Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules,* referenced earlier in this section.

c. Lead Reclamation Definition

Under the NSPS, subpart KK, a lead reclamation facility is a facility (that is not an affected secondary lead smelting furnace under 40 CFR 60, subpart L) that remelts Pb scrap and casts it into ingots for use in the battery manufacturing process. Information available to the EPA indicates that no facilities currently remelt Pb and cast it into ingots for use in the battery manufacturing processes. However, to ensure that emissions are controlled from any Pb that is recycled or reused, without being remelted and cast into ingots, the EPA is revising the definition of lead reclamation facility to clarify that the lead reclamation facility does not include recycling of any type of finished battery or recycling lead-bearing scrap that is obtained from non-category sources or from any offsite operation. Likewise, we are also proposing to clarify that recycling of any type of finished battery or recycling lead-bearing scrap that is obtained from non-category sources or from any offsite operations are prohibited at the lead acid battery facility.

In addition, the proposed revised definition clarifies that lead reclamation facilities also do not include the remelting of Pb metal scrap (such as unused grids or scraps from creating grids) from on-site lead acid battery manufacturing processes and that any such remelting is considered part of the process where the Pb is remelted and used (*i.e.,* grid casting).

2. NESHAP, 40 CFR Part 63, Subpart PPPPPP

In addition to the proposed actions described above, we are proposing additional revisions to the NESHAP. We are proposing revisions to the startup, shutdown, and malfunction (SSM) provisions of the NESHAP in order to ensure that they are consistent with the decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), in which the court vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing various other changes including: To require electronic reporting for performance tests and semiannual excess emissions and continuous monitoring reports; a clarification to the definition of lead reclamation; and a revision to the applicability provisions to require that facilities with some of the battery production processes (*e.g.,* grid casting or lead oxide production) are subject to the standards in the NESHAP regardless of whether or not the facility produces the end product (*i.e.,* batteries). Our analyses and proposed changes related to these issues are discussed below.

a. Startup, Shutdown and Malfunction (SSM) Provisions

In its 2008 decision in Sierra Club v. EPA, 551 F.3d 1019 (D.C. Cir. 2008), the court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

In March 2021, the EPA issued a rule [11] that revised the General Provisions to remove the SSM exemptions at 40 CFR 63.6(f)(1) and (h)(1). In this action, we are proposing to eliminate references to these SSM exemptions in this rule and to remove other additional SSM exemptions in the rule, including any reference to requirements included in 40 CFR part 63, subpart A (General Provisions). Consistent with *Sierra Club* v. *EPA,* the standards that we are proposing in this rule apply at all times. We are also proposing several revisions to Table 1 to 40 CFR part 63, subpart PPPPPP, as is explained in more detail below.

The EPA has attempted to ensure that the provisions we are proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained in section IV.D.1.a above, has not proposed alternate standards for those periods.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Malfunctions, in contrast, are neither predictable nor routine. Instead, they are, by definition, sudden, infrequent, and not reasonably preventable failures of an emissions control, process, or monitoring equipment. (40 CFR 63.2, Definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards, and this reading has been upheld as reasonable by the court. See *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (D.C. Cir. 2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level ''achieved'' by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emission standards. The court has recognized that the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112

[8] *EPA's Final Plan for Periodic Retrospective Reviews,* August 2011. Available at: *https://www.regulations.gov/document?D=EPA-HQ-OA-2011-0156-0154.*

[9] *E-Reporting Policy Statement for EPA Regulations,* September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

[10] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

[11] U.S. EPA, *Court Vacatur of Exemption from Emission Standards During Periods of Startup, Shutdown, and Malfunction.* (86 FR 13819, March 11, 2021).

standards. Similarly, although standards for area sources are not required to be set based on ''best performers,'' EPA is not required to consider malfunctions in determining what is ''generally available.''

In the March 2021 rule, the EPA removed the SSM exemptions at 40 CFR 63.6(f)(1) and (h)(1) to effectuate the 2008 court decision vacating these provisions. In this action, we are changing the applicability of these two general provisions from a ''yes'' to ''no'' and adding rule-specific language to ensure the rule applies as all times. We are proposing to revise the General Provisions table (Table 3) entry for the citation to 40 CFR 63.6(a)–(d), (e)(1), (f)–(j) by changing the citation to reference only 40 CFR 63.6(a)–(d). We are also proposing to add a row for 40 CFR 63.6(e)(1)(i) and including a ''no'' for this entry in column 3, ''Applies to Subpart PPPPPP?'' Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. We are proposing instead to add general duty regulatory text at 40 CFR 63.11423(a)(3) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is proposing for 40 CFR part 60, subpart PPPPPP does not include that language from 40 CFR 63.6(e)(1).

We are also proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.6(e)(1)(ii) and including a ''no'' for this entry in column 3. Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.11423(a)(3).

We are also proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.6(e)(1)(iii) and including a ''yes'' for this entry in column 3.

While the provision at 40 CFR 63.6(f)(1) was revised in March 2021, this action proposes to add a row to the General Provisions table (Table 3) for 40 CFR 63.6(f)(1) and including a ''no'' for this entry in column 3. The language of 40 CFR 63.6(f)(1) no longer exempts sources from non-opacity standards during periods of SSM, however, for clarity this action will no longer reference the General Provisions for this provision. As discussed above, the court in Sierra Club vacated the exemptions previously contained in this provision and held that the CAA requires that some section 112 standard apply continuously. Consistent with Sierra Club, the EPA is clarifying that standards in this rule will apply at all times. We are also proposing to add rows to Table 3 for 40 CFR 63.6(f)(2)–(3) and 63.6(g) and including a ''yes'' for these entries in column 3.

Similarly, we are proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.6(h)(1) and including a ''no'' for this entry in column 3. The language of 40 CFR 63.6(h)(1) no longer exempts sources from opacity standards during periods of SSM, however, for clarity this action will no longer reference the General Provisions for this provision. As discussed above, the court in Sierra Club vacated the exemptions previously contained in this provision and held that the CAA requires that some section 112 standard apply continuously. Consistent with Sierra Club, the EPA is proposing to revise standards in this rule to apply at all times. We are also proposing to add a row to Table 3 for 40 CFR 63.6(h)(2)–(9), (i) and (j) and including a ''yes'' for this entry in column 3.

We are proposing to revise the General Provisions table (Table 3) entry for 40 CFR 63.7 by changing the citation to 40 CFR 63.7(a)–(d), (e)(2) and (3) and (f)–(j). We are also proposing to add a row to the table for 40 CFR 63.7(e)(1) and including a ''no'' for this entry in column 3. Section 63.7(e)(1) describes performance testing requirements. The EPA is instead proposing to add a performance testing requirement at 40 CFR 63.11423(c)(7). The performance testing requirements we are proposing to add differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is proposing to add language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Section 63.7(e) requires that the owner or operator make available to the Administrator such records ''as may be necessary to determine the condition of the performance test'' available to the Administrator upon request but does not specifically require the information to be recorded. The regulatory text the EPA is proposing to add to this provision builds on that requirement and makes explicit the requirement to record the information.

We are proposing to revise the General Provisions table (Table 3) entry for 40 CFR 63.8 by changing the citation to 40 CFR 63.8(a), (b), (c)(1)(ii), (d)(1) and (2), (e)–(g). We are also proposing to add rows to the table for 40 CFR 63.8(c)(1)(i) and (iii) and including a ''no'' for these entries in column 3. The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.8(d)(3) and including a ''no'' for this entry in column 3. The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable. The EPA is proposing to add to the rule at 40 CFR 63.11423(e)(3) text that is identical to 40 CFR 63.8(d)(3) except that the final sentence is replaced with the following sentence: ''The program of corrective action should be included in the plan required under § 63.8(d)(2).''

We are proposing to revise the General Provisions table (Table 3) entry for 40 CFR 63.10 by changing the citation to 40 CFR 63.10(a), (b)(1), (b)(2)(iii), (vi–ix), (b)(3), (c)(1)–(14), (d)(1)–(4), (e), (f). We are also proposing to add a row to the table for 40 CFR 63.10(b)(2)(i) and including a ''no'' for this entry in column 3. Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is proposing that recordkeeping and reporting applicable to normal operations will apply to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods.

We are proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.10(b)(2)(ii) and including a ''no'' for this entry in column 3. Section 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is proposing to add such requirements to 40 CFR 63.11424(a)(6). The regulatory text we are proposing to add differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is proposing that this requirement apply to any failure to meet an applicable standard and is requiring that the source record the date, time, and duration of the failure rather than the ''occurrence.'' The EPA is also proposing to add to 40 CFR 63.11424(a)(7)(ii) and (iii) a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over the standard for which the source failed to meet the standard, and a description of the method used to estimate the emissions. Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing to require that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.10(b)(2)(iv) and (v) and including a ''no'' for this entry in column 3. When applicable, these provisions require sources to record actions taken during SSM events when actions were inconsistent with their SSM plan or to show that actions taken were consistent with their SSM plan. These requirements are no longer appropriate because SSM plans will no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.11424(a)(7).

We are proposing to add a row to the General Provisions table (Table 3) for 40 CFR 63.10(c)(15) and including a ''no'' for this entry in column 3. The EPA is proposing that 40 CFR 63.10(c)(15) no longer apply. When applicable, the provision allows an owner or operator to use the affected source's startup, shutdown, and malfunction plan or records kept to satisfy the recordkeeping requirements of the startup, shutdown, and malfunction plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is proposing to eliminate this requirement because SSM plans would no longer be required, and therefore 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

b. Electronic Reporting

The EPA is proposing that owners and operators of lead acid battery manufacturing facilities subject to the area source NESHAP at 40 CFR part 63, subpart PPPPPP submit electronic copies of required performance test reports and semiannual excess emissions and continuous monitoring system performance and summary reports through the same procedures described above in section IV.D.b for the new NSPS subpart KKa.

c. Lead Reclamation Definition Clarification

The NESHAP references 40 CFR part 60, subpart KK for the definition of a lead reclamation facility. The NSPS KK defines lead reclamation as a facility (that is not an affected secondary lead smelting furnace under 40 CFR 60, subpart L) that remelts Pb scrap and casts it into ingots for use in the battery manufacturing process. As discussed in Section IV.D.c, information available to the EPA indicates that no facilities currently remelt Pb and cast it into ingots for use in the battery manufacturing processes. However, to ensure that emissions are controlled from any Pb that is recycled or reused, without being remelted and cast into ingots, the EPA is revising the definition of lead reclamation facility to clarify that the lead reclamation facility does not include recycling of any type of finished battery or recycling lead-bearing scrap that is obtained from non-category sources or from any offsite operation. We are also proposing to clarify that recycling of any type of finished battery or recycling lead-bearing scrap that is obtained from non-category sources or from any offsite operation are prohibited at the lead acid battery facility. In addition, the proposed revised definition clarifies that lead reclamation facilities also do not include the remelting of Pb metal scrap (such as unused grids or scraps from creating grids) from on-site lead acid battery manufacturing processes and that any such remelting is considered part of the process where the Pb is remelted and used (*i.e.,* grid casting).

d. Expanded Facility Applicability

The original definition of the lead acid battery manufacturing source category stated that lead acid battery manufacturing facilities include any facility engaged in producing lead acid batteries. It also explained that the category includes, but is not limited to, the following manufacturing steps: Lead oxide production, grid casting, paste mixing, and three-process operation (plate stacking, burning, and assembly). The EPA is aware of some facilities that conduct one or more of the lead acid battery manufacturing processes but do not produce the final product of a battery, and thus are not considered to be in the lead acid battery source category, and those processes are not subject to the lead acid battery NESHAP. To ensure these processes utilizing Pb are regulated to the same extent as those that are located at facilities where the final battery products are produced, the EPA is proposing to revise the applicability provisions in the NESHAP such that facilities that process Pb to manufacture battery parts (such as battery grids) or input material (such as lead oxide) will be subject to the NESHAP regardless of whether or not they produce the end product (*i.e.,* lead acid batteries). The source category definition is broad enough that the EPA determined it can encompass these facilities. Available permit information indicates that lead acid battery manufacturing processes being conducted at facilities other than where the final batteries are made indicates that Pb emissions from the processes are controlled and that those facilities can meet the emissions limits in the NESHAP. However, these facilities will also need to meet the compliance assurance measures of the proposed NESHAP, including improved monitoring of emission points with fabric filters, performance testing, reporting, and recordkeeping, as well as comply with the proposed fugitive dust mitigation plan requirements. Therefore, we expect there will be some cost impacts for these facilities to comply with these compliance assurance measures and work practices. We estimate the costs for compliance testing will be $23,000 to $34,000 per facility once every 5 years; and annual costs for fugitive dust work practices of $0 to $13,000 per facility.

E. What compliance dates are we proposing, and what is the rationale for the proposed compliance dates?

a. NSPS, 40 CFR Part 60, Subpart KKa

The final action for the NSPS is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 111(b)(1)(B)). Affected sources that commence construction, reconstruction, or modification after February 23, 2022, must comply with all requirements of subpart KKa no later than the effective date of the final rule or upon startup, whichever is later.

b. NESHAP, 40 CFR Part 63, Subpart PPPPPP

The final action for the NESHAP is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10). Affected sources that commence construction or reconstruction after February 23, 2022, must comply with all requirements of subpart PPPPPP, including the final amendments, no later than the effective date of the final rule or upon startup, whichever is later. Affected sources that commenced construction or reconstruction on or before February 23, 2022, must comply with certain amendments, as specified below, no later than 180 days after the effective date of the final rule and other amendments, as specified below, no later than 3 years after the effective date of the rule, or upon startup, whichever is later. All affected facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart PPPPPP, until the applicable compliance date of the amended standards.

For the following proposed revisions, for existing facilities we are proposing a compliance date of no later than 180 days after the effective date of the final rule: Clarifications to the definition of lead reclamation; requirements for electronic reporting of performance test results and semiannual excess emissions and continuous monitoring system performance and summary reports; removal of the SSM exemptions; revisions to the applicability provisions to include battery production processes at facilities that do not produce the final end product (*i.e.,* batteries); and increased baghouse inspection frequency. Data available to the EPA indicates that facilities are not performing lead reclamation activities, and therefore the proposed clarification to the definition of lead reclamation facility will not impact any operating facilities. Therefore, we propose that no additional time is required for facilities to comply with the revised definition of lead reclamation. Regarding electronic reporting, our experience with similar industries that are required to convert reporting mechanisms to install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting shows that a time period of a minimum of 90 days, and, more typically, 180 days, is generally necessary to accomplish these revisions. For the proposed revised SSM revisions, since SSM plans have not been required to be developed or followed, we do not believe that any additional time beyond the 180 days is needed for compliance with the proposed removal of the SSM exemption. For the revisions to the applicability provisions to include battery production processes at facilities that do not produce the final end product of batteries, available information indicates that these facilities can meet the emission limits with their current controls and compliance assurance measures required by the NESHAP. While these facilities will be newly required to perform the recordkeeping and reporting required by the rule, the EPA is proposing that 180 days is sufficient time to review the recordkeeping and reporting requirements, develop systems, and perform training for gathering, submitting, and maintaining the required information. Similarly, the EPA has determined that facilities would not need additional time to meet the proposed requirement to perform baghouse inspections more frequently. These facilities already perform the inspections and are familiar with the inspection requirements, and they will simply need to perform the inspections more often (monthly rather than semi-annually).

For the following proposed revisions, we are proposing a compliance date of 3 years after the publication date of the final rule: Requirements to develop and follow a fugitive dust mitigation plan and requirements that performance testing be conducted at least once every 5 years. For fugitive dust mitigation, we are proposing to require facilities to develop a mitigation plan, submit it for approval to their air permitting authority, and follow the outlined procedures within 3 years of publication of the final rule. The EPA anticipates it would take approximately six months to develop a sound plan and another six months for the relevant permitting authority to review and approve the plan, with the potential for several revisions to the plan being required. The implementation phase will involve training and may involve specialized equipment or building and landscape changes (*e.g.,* road paving) to accomplish the plan elements. The EPA anticipates this phase could take 1 to 2 years, depending on the approved plan elements. Therefore, the proposed compliance date for compliance with the fugitive dust mitigation plan is 3 years. For the revised emissions limits for existing paste mixing at large facilities and revised numeric limits for grid casting and lead reclamation processes, we are proposing a compliance date of no later than 3 years after the effective date of the final rule. Facilities must also demonstrate compliance with the revised numeric emissions limits for existing paste mixing, grid casting, and lead reclamation processes within this 3-year period. For the repeat performance tests, the requirement to test each required emissions outlet (*i.e.,* stack) will involve testing many stacks at each facility, as the average facility has 8 stacks, with an industry-wide range of 1 to 33 stacks. To coordinate the testing and to provide flexibility to the industry to have stack testing performed over time, rather than all at once, which will also help ensure the appropriate testing vendors are available to the facilities in the source category, we are proposing a compliance date for the initial test of 3 years. For large facilities with fabric filters as a control device without a secondary filter, a bag leak detection system is required no later than 3 years after the effective date of the final rule.

We solicit comment on the proposed compliance periods, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance dates.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the air quality impacts?

1. NSPS, 40 CFR Part 60, Subpart KKa

We are not expecting any new facilities to be built in the foreseeable future, but if any new facilities are built

the proposed requirements in the new NSPS subpart KKa, would achieve an estimated 0.08 tpy reduction of allowable lead emissions for a small facility and an estimated 0.32 tpy reduction of allowable lead emissions for a large facility compared to that of the current NSPS subpart KK.

2. NESHAP, 40 CFR Part 63, Subpart PPPPPP

The proposed revised Pb emission standard for paste mixing operations at large lead acid battery sources in this action would achieve an estimated 0.5 tpy reduction of Pb emissions. In addition, the Agency is also proposing work practices to minimize fugitive lead dust emissions and expects that these will achieve some unquantified Pb reductions. We are also proposing several compliance assurance requirements which will ensure compliance with the NESHAP and help prevent noncompliant emissions of Pb. Furthermore, the Agency is proposing revised Pb emission standards for grid casting and lead reclamation facilities. The EPA does not expect to achieve reductions in actual emissions with these two new standards; however, the new standards will reduce the allowable emissions from those sources and ensure that the emissions remain controlled and minimized moving forward. As described above, we estimate that all facilities in the source category are already meeting the revised emissions limits. The proposed amendments will also include removal of the SSM exemptions. We were unable to quantify the emissions that occur during periods of SSM or the specific emissions reductions that would occur as a result of this action. However, eliminating the SSM exemption has the potential to reduce emissions by requiring facilities to meet the applicable standard during SSM periods.

B. What are the cost impacts?

1. NSPS, 40 CFR Part 60, Subpart KKa

The costs for a new, reconstructed, and modified facility to comply with the proposed regulatory requirements discussed above are described in detail in section IV.B and are summarized below. As mentioned previously in this preamble we do not expect any brand-new facilities in the foreseeable future. Therefore, the actual costs for new sources are expected to be zero since we do not expect any such sources. However, we do expect that some existing facilities could undergo modifications or reconstruction.

Revised Emission Limit for Grid Casting: Incremental capital costs for a small new, reconstructed, and modified source to install and operate a fabric filter (BSER) compared to an impingement scrubber (baseline) on grid casting operations are $53,000, with incremental annual costs estimated to be $23,600. Incremental capital costs for a large new, reconstructed, and modified baseline facility to install and operate fabric filters (BSER) compared to impingement scrubbers (baseline) on grid casting operations are estimated to be $86,000 with incremental annual costs estimated to be $40,000.

Revised Emission Limit for Lead Reclamation: Incremental capital costs are estimated to be $17,000 for small and large new, reconstructed, and modified sources to install fabric filters (BSER) compared to impingement scrubbers (baseline) on lead reclamation operations. Incremental annual costs for a small baseline facility to install fabric filters (BSER) compared to impingement scrubbers (baseline) are estimated to be $8,500. Incremental annual costs are estimated to be $13,000 for a large baseline and model facility.

Revised Emission Limit for Paste Mixing Operations: Capital Costs for a new large facility to include secondary filters in their facility design are $135,000. Annual costs are estimated to be $88,800 for a large facility.

Bag Leak Detection Requirements: For a new large facility to install and operate bag leak detection systems, capital costs would be approximately $802,000 per facility and annual costs would be approximately $161,000 per facility.

Performance Testing Requirements: We estimate that performance testing for lead costs about $23,000 to test one stack and an additional $5,500 to test each additional stack during the same testing event.

Work Practices to Minimize Fugitive Lead Dust: Estimated initial costs for new facilities to develop a fugitive dust plan to minimize fugitive lead dust emissions is $7,600 and annual costs to implement to plan are approximately $13,000 per facility per year.

2. NESHAP, 40 CFR Part 63, Subpart PPPPPP

The estimated costs for a theoretical new source to comply with the NESHAP are the same as the costs described above (in section V.B.1) under the NSPS KKa. The costs for compliance testing for existing sources are estimated to be $0 to $181,000 per facility once every 5 years depending on number of stacks (equates to an average annual cost of about $0 to $36,000 per facility). Total costs for testing for the entire industry are estimated to be $1.3 million every 5 years (which equates to an average annual cost of $260,000 per year for the entire industry). Table 1 below shows the estimated costs and number of facilities affected for all other proposed changes.

TABLE 1—ESTIMATED COSTS FOR ALL PROPOSED AMENDMENTS OTHER THAN COMPLIANCE TESTING

Proposed requirement	Total capital costs for the industry	Total annual costs for the industry	Number of facilities impacted	Capital costs per facility	Annual costs per facility
Work Practices	[a] $350,000	$381,000	[b] 45	$7,600	$0 to $12,600.
Fabric Filter Inspections	0	72,000	21	$0	$0 to $10,500.
Bag Leak Detection System Requirements	2,700,000	544,000	10	$0 to $814,000	$0 to $164,000.
Revised Limit for Paste Mixing	750,000	345,000	5	$150,000	$69,000.
Total for all proposed requirements other than testing.	3,800,000	1,340,000	[b] 45	$0 to $996,000	$0 to $294,000.

[a] These are initial costs to create a fugitive dust plan. Total estimated costs to industry would be $350,000, or approximately $7,600 per facility.
[b] This "45" includes 39 LAB NESHAP Manufacturing facilities and six facilities affected by the proposed applicability clarification described above.

C. What are the economic impacts?

The EPA conducted economic impact analyses for this proposal, as detailed in the memorandum, *Economic Impact and Small Business Analysis for the Lead Acid Battery Manufacturing NSPS Review and NESHAP Area Source Technology Review,* which is available in the docket for this action. The economic impacts of the proposal are calculated as the percentage of total annualized costs incurred by affected ultimate parent owners to their revenues. This ratio provides a measure of the direct economic impact to ultimate parent owners of facilities while presuming no impact on consumers. We estimate that none of the ultimate parent owners affected by this proposal will incur total annualized costs of 0.5 percent or greater of their revenues. Thus, these economic impacts are low for affected companies and the industries impacted by this proposal, and there will not be substantial impacts on the markets for affected products. The costs of the proposal are not expected to result in a significant market impact, regardless of whether they are passed on to the purchaser or absorbed by the firms.

D. What are the benefits?

1. NSPS, 40 CFR Part 60, Subpart KKa

The new standards for grid casting, lead reclamation and paste mixing will reduce the allowable emissions from the new, reconstructed, and modified sources and ensure that the emissions remain controlled and minimized moving forward.

2. NESHAP, 40 CFR Part 63, Subpart PPPPPP

As described above, the proposed amendments would result in some reductions in emissions of Pb. The proposed amendments also revise the standards such that they apply at all times, which includes SSM periods. We are also proposing several compliance assurance requirements which will ensure compliance with the NESHAP and help prevent noncompliant emissions of Pb. Furthermore, the proposed requirements to submit reports and test results electronically will improve monitoring, compliance, and implementation of the rule.

Reducing emissions of lead dust is expected to reduce potential exposures to nearby communities. A quantitative analysis would be technically complicated, resource intensive and infeasible to perform in the time available. For these reasons, we did not perform a quantitative analysis. Rather, we qualitatively characterize the health impacts of lead to convey an understanding of potential benefits. This is presented in *Economic Impact and Small Business Analysis for the Lead Acid Battery Manufacturing NSPS Review and NESHAP Area Source Technology Review,* which is available in the docket for this action.

E. What analysis of environmental justice did we conduct?

Executive Order 12898 and EPA policy direct the EPA, to the greatest extent practicable and permitted by law, to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations (people of color) and low-income populations (59 FR 7629, February 16, 1994). Additionally, Executive Order 13985 was signed to advance racial equity and support underserved communities through Federal government actions (86 FR 7009, January 20, 2021). The EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies'' (*https://www.epa.gov/environmentaljustice*). In recognizing that people of color and low-income populations often bear an unequal burden of environmental harms and risks, the EPA continues to consider ways of protecting them from adverse public health and environmental effects of air pollution.

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis which is an assessment of individual demographic groups of the populations living within 5 km and within 50 km of the facilities. The EPA then compared the data from this analysis to the national average for the demographic indicators. Based on that analysis, we found that the demographic profile within 5 km and 50 km of the LAB facilities shows the following groups above the national average: Hispanics, Ages 18–64, People living below the Poverty Level, 25 years old or greater without a High School Diploma, and People living in Linguistic Isolation, as shown in Table 2. The methodology and results of the demographic analysis are presented in more detail in the memorandum, which is available in the docket, *Analysis of Demographic Factors for Populations Living Near Lead Acid Battery Manufacturing Area Sources.*

TABLE 2—LEAD ACID BATTERY MANUFACTURING AREA SOURCES: PROXIMITY DEMOGRAPHIC ASSESSMENT RESULTS—5 km AND 50 km STUDY AREA RADIUS

		Population within 50 km of 39 facilities (%)	Population within 5 km of 39 facilities (%)
	Nationwide	Source Category	
Total Population	328,016,242	47,907,121	2,233,864
	White and People of Color by Percent		
White	60	52	37
People of Color	40	48	63
	People of Color by Percent		

TABLE 2—LEAD ACID BATTERY MANUFACTURING AREA SOURCES: PROXIMITY DEMOGRAPHIC ASSESSMENT RESULTS—5 km AND 50 km STUDY AREA RADIUS—Continued

		Population within 50 km of 39 facilities (%)	Population within 5 km of 39 facilities (%)
African American	12	12	10
Native American	0.7	0.3	0.2
Hispanic or Latino (includes white and nonwhite)	19	25	43
Other and Multiracial	8	11	9
	Income by Percent		
Below Poverty Level	13	12	14
Above Poverty Level	87	88	86
	Age Groups by Percent		
Age (Years) 0–17	22	22	23
Age (Years) 18–64	62	63	64
Age (Years) >=65	16	15	13
	Education by Percent		
Over 25 and without a High School Diploma	12	14	19
Over 25 and with a High School Diploma	88	86	81
	Linguistically Isolated by Percent		
Linguistically Isolated	5	7	9

As explained in section IV.A, ambient air quality monitoring data and modeling analyses indicate that ambient Pb concentrations near the facilities are all below the NAAQS for Pb. The CAA identifies two types of NAAQS; primary and secondary standards. Primary standards provide public health protection, including protecting the health of ''sensitive'' populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.[12] Both the primary and secondary NAAQS for Pb are 0.15/m^3 based on a 3-month rolling average. The primary NAAQS are designed to protect public health with an adequate margin of safety.[13] Therefore, we conclude that the emissions from lead acid battery area source facilities are not likely to pose significant risks or impacts to human health if facilities are complying with the NESHAP.

VI. Request for Comments

We solicit comments on this proposed action. In addition to general comments on this proposed action, we are also interested in additional data that may improve the analyses. We are specifically interested in receiving any information regarding developments in practices, processes, and control technologies that reduce Pb emissions.

VII. Incorporation by Reference

The EPA proposes to amend the 40 CFR 60.17 to incorporate by reference for one VCS

- ASTM D7520–16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016, IBR requested for 40 CFR 60.374a(d)(2). This method is an acceptable alternative to the EPA's Method 9 under specific conditions stated in 40 CFR 60.374a(d)(2)(I) through (v). This test method described the procedures to use the Digital Camera Opacity Techniques (DCOT) to obtain and interpret the digital images in determining and reporting plume opacity. It also describes procedures to certify the DCOT.

The EPA proposes to amend the 40 CFR 63.14 to incorporate by reference for one VCS

- ASTM D7520–16, Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere, approved April 1, 2016, IBR requested for 40 CFR 63.11423(c)(4)(ii). This method is an acceptable alternative to the EPA's Method 9 under specific conditions stated in 40 CFR 63.11423(c)(4)(ii)(A) through (E). This test method described the procedures to use the Digital Camera Opacity Techniques (DCOT) to obtain and interpret the digital images in determining and reporting plume opacity. It also describes procedures to certify the DCOT.

The ASTM documents are available from the American Society of Testing and Materials (ASTM) at *https://www.astm.org;* by mail at 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; or by telephone at (610) 832–9500.

VIII. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was, therefore, not submitted to OMB for review.

B. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA. The Information Collection Request (ICR) documents that the EPA prepared have been assigned EPA ICR

[12] *https://www.epa.gov/criteria-air-pollutants/naaqs-table.*

[13] *https://www.epa.gov/naaqs.*

numbers 1072.14 for the NSPS KKa and 2256.07 for the NESHAP. You can find a copy of the ICRs in the docket for this rule, and they are briefly summarized here. The ICRs are specific to information collection associated with the Lead Acid Battery Manufacturing source category, through the new 40 CFR part 60, subpart KKa and amendments to 40 CFR part 63, subpart PPPPPP. We are proposing changes to the testing, recordkeeping and reporting requirements associated with 40 CFR part 63, subpart PPPPPP, in the form of requiring performance tests every 5 years and including the requirement for electronic submittal of reports. In addition, the number of facilities subject to the standards changed. The number of respondents was revised from 41 to 45 for the NESHAP based on our review of operating permits and consultation with industry representatives and state/local agencies. We are proposing recordkeeping and reporting requirements associated with the new 40 CFR part 60, subpart KKa, including notifications of construction/reconstruction, initial startup, conduct of performance tests, and physical or operational changes; reports of opacity results, performance test results and semiannual reports if excess emissions occur or continuous emissions monitoring systems are used; and keeping records of performance test results and pressure drop monitoring.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of lead acid battery manufacturing sources subject to 40 CFR part 60, subpart KKa and 40 CFR part 63, subpart PPPPPP.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKa and 40 CFR part 63, subpart PPPPPP).

Estimated number of respondents: 45 facilities for 40 CFR part 63, subpart PPPPPP and 0 facilities for 40 CFR part 60, subpart KKa.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include onetime review of rule amendments, reports of performance tests, and semiannual excess emissions and continuous monitoring system performance reports.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the new NSPS KKa and the NESHAP, averaged over the 3 years of this ICR, is estimated to be 2,580 hours (per year). The average annual burden to the Agency over the 3 years after the amendments are final is estimated to be 66 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NSPS KKa and the NESHAP, averaged over the 3 years of this ICR, is estimated to be $174,000 (rounded, per year). There are no estimated capital and operation and maintenance costs. The total average annual Agency cost over the first 3 years after the amendments are final is estimated to be $3,380.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than March 25, 2022. The EPA will respond to any ICR-related comments in the final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are small businesses that own lead acid battery facilities. The Agency has determined that there are nine small businesses subject to the requirements of this action, and that eight of these small businesses are estimated to experience impacts of less than 1 percent of their revenues. The Agency estimates that one small business may experience an impact of approximately 1.3 percent of their annual revenues once every 5 years mainly due to the compliance testing requirements, with this one small business representing approximately 11 percent of the total number of affected small entities. The other four of the five years, we estimate the costs would be less than 1 percent of annual revenues for this one small business. Details of this analysis are presented in *Economic Impact and Small Business Analysis for the Lead Acid Battery Manufacturing NSPS Review and NESHAP Area Source Technology Review,* which is available in the docket for this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have tribal implications as specified in Executive Order 13175. No tribal facilities are known to be engaged in the industries that would be affected by this action nor are there any adverse health or environmental effects from this action. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks Populations and Low-Income Populations

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's assessments of potential impacts to human health are contained in section IV.A of this preamble. The proposed work practices to minimize fugitive dust containing lead and the proposed new and revised emission limits described in section IV.B and IV.C will reduce actual and/or allowable lead emissions, thereby reducing potential exposure to children, including the unborn.

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

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

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking involves technical standards. Therefore, the EPA conducted searches through the Enhanced NSSN Database managed by the American National Standards Institute (ANSI) to determine if there are voluntary consensus standards (VCS) that are relevant to this action. The Agency also contacted VCS organizations and accessed and searched their databases. Searches were conducted for the EPA Methods 9, 12, and 29 of 40 CFR part 60, appendix A. No applicable VCS were identified for EPA Methods 12 and 29 for lead.

During the search, if the title or abstract (if provided) of the VCS described technical sampling and analytical procedures that are similar to the EPA's reference method, the EPA considered it as a potential equivalent method. All potential standards were reviewed to determine the practicality of the VCS for this rule. This review requires significant method validation data which meets the requirements of the EPA Method 301 for accepting alternative methods or scientific, engineering and policy equivalence to procedures in the EPA reference methods. The EPA may reconsider determinations of impracticality when additional information is available for particular VCS.

One voluntary consensus standard was identified as acceptable alternative to EPA test methods for the purposes of this rule. The voluntary consensus standard ASTM D7520–16, ''Standard Test Method for Determining the Opacity of a Plume in the Outdoor Ambient Atmosphere'' is an acceptable alternative to EPA Method 9 with the following conditions:

1. During the digital camera opacity technique (DCOT) certification procedure outlined in section 9.2 of ASTM D7520–16, you or the DCOT vendor must present the plumes in front of various backgrounds of color and contrast representing conditions anticipated during field use such as blue sky, trees, and mixed backgrounds (clouds and/or a sparse tree stand).

2. You must also have standard operating procedures in place including daily or other frequency quality checks to ensure the equipment is within manufacturing specifications as outlined in section 8.1 of ASTM D7520–16.

3. You must follow the record keeping procedures outlined in § 63.10(b)(1) for the DCOT certification, compliance report, data sheets, and all raw unaltered JPEGs used for opacity and certification determination.

4. You or the DCOT vendor must have a minimum of four (4) independent technology users apply the software to determine the visible opacity of the 300 certification plumes. For each set of 25 plumes, the user may not exceed 15 percent opacity of anyone reading and the average error must not exceed 7.5 percent opacity.

5. This approval does not provide or imply a certification or validation of any vendor's hardware or software. The onus to maintain and verify the certification and/or training of the DCOT camera, software and operator in accordance with ASTM D7520–16 and this letter is on the facility, DCOT operator, and DCOT vendor.

The search identified one VCS that was potentially applicable for this rule in lieu of EPA reference methods. After reviewing the available standards, EPA determined that one candidate VCS (ASTM D4358–94 (1999)) identified for measuring emissions of pollutants or their surrogates subject to emission standards in the rule would not be practical due to lack of equivalency, documentation, validation data and other important technical and policy considerations. Additional information for the VCS search and determinations can be found in the memorandum, *Voluntary Consensus Standard Results for Review of Standards of Performance for Lead Acid Battery Manufacturing Plants and National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery,* which is available in the docket for this action.

Under 40 CFR 63.7(f) and 40 CFR 68.3(f) of subpart A of the General Provisions, a source may apply to the EPA to use alternative test methods or alternative monitoring requirements in place of any required testing methods, performance specifications or procedures in the final rule or any amendments. The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially applicable VCS and to explain why such standards should be used in this regulation.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section V.C and V.E of this preamble. As discussed in section V.E of this preamble, we performed a demographic analysis for the lead acid battery manufacturing source category, which is an assessment of the proximity of individual demographic groups living close to the facilities (within 50 km and within 5 km). Results of the demographic analysis indicate that the following groups above the national average: Hispanics, Ages 18–64, People living below the Poverty Level, 25 years old or greater without a High School Diploma, and People living in Linguistic Isolation. However, based on analyses of emissions and available ambient monitoring data (described in section IV.A of this preamble), we conclude ambient Pb concentrations near the facilities are all below the National Ambient Air Quality Standard (NAAQS) for Pb and therefore the sources are not likely to pose significant risks to human health.

Janet G. McCabe,

Deputy Administrator.

[FR Doc. 2022–03396 Filed 2–22–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 801, 802, 808, 816, 835, and 852

RIN 2900–AQ23

VA Acquisition Regulation: Department of Veterans Affairs Acquisition Regulation System and Research and Development

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove procedural guidance internal to VA into the VA Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, will publish them in the **Federal Register**.

VA will combine related topics, as appropriate. This rulemaking revises VAAR coverage concerning Department of Veterans Affairs Acquisition Regulation System and Research and Development. It also revises affected parts concerning Definitions of Words and Terms, Required Sources of Supplies and Services, Types of Contracts and Solicitation Provisions and Contract Clauses.

DATES: Comments must be received on or before April 25, 2022 to be considered in the formulation of the final rule.

ADDRESSES: Comments may be submitted through *www.Regulations.gov.* Comments received will be available at regulations.gov for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 810 Vermont Avenue NW, Washington, DC 20420, (202) 714–8560. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

This rulemaking is issued under the authority of the Office of Federal Procurement Policy (OFPP) Act which provides the authority for an agency head to issue agency acquisition regulations that implement or supplement the FAR.

VA is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any redundant guidance and guidance that is applicable only to VA's internal operating processes or procedures. Codified acquisition regulations may be amended and revised only through rulemaking. All amendments, revisions and removals have been reviewed and concurred with VA's Integrated Product Team of agency stakeholders.

The VAAR uses the regulatory structure and arrangement of the FAR and headings and subject areas are consistent with FAR content. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts and sections.

The Office of Federal Procurement Policy Act, as codified in 41 U.S.C. 1707, provides the authority for the Federal Acquisition Regulation and for the issuance of agency acquisition regulations consistent with the FAR.

When Federal agencies acquire supplies and services using appropriated funds, the purchase is governed by the FAR, set forth at title 48 Code of Federal Regulations (CFR), chapter 1, parts 1 through 53, and the agency regulations that implement and supplement the FAR. The VAAR is set forth at 48 CFR, chapter 8, parts 801 to 873.

Discussion and Analysis

VA proposes to make the following changes to the VAAR in this phase of its revision and streamlining initiative. For procedural guidance cited below that is proposed to be deleted from the VAAR, each section cited for removal has been considered for inclusion in VA's internal agency operating procedures in accordance with FAR 1.301(a)(2). Similarly, delegations of authority that are removed from the VAAR will be included in the VAAM as internal agency guidance. The VAAM is being created in parallel with these revisions to the VAAR and is not subject to the rulemaking process as they are internal VA procedures and guidance. The VAAM will not be finalized until corresponding VAAR parts are finalized.

VAAR Part 801—Department of Veterans Affairs Acquisition Regulation System

We propose to revise the authorities cited for this part. The authorities cited for this part are 38 U.S.C. 8123; 38 U.S.C. 8153; 38 U.S.C. 8303; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; 41 U.S.C. 1707; and 48 CFR 1.301–1.304. The Title 38 authorities are cited as they provide the statutory basis for the exclusions as outlined in 801.104–70. We have retained the authority from 48 CFR 1.301–1.304 as this is the FAR subpart outlining the guidance for agency acquisition regulations.

Under subpart 801.1, Purpose, Authority, Issuance, we propose to revise 801.103, Authority, to add 41 U.S.C. 1707 (the OFFP Act) as an authority to the publishing of this regulation. Under 801.104, Applicability, we propose to revise the text for clarity and to remove an unnecessary reference to the VA Canteen Service.

In 801.104–70, Exclusions, we propose to retain the first paragraph and redesignate it as paragraph (a) which explains that the FAR and VAAR do not apply to those purchases made using the General Post Fund when a donor specifies the exact item to be purchased. Under 801.104–70, we also propose to add paragraph (b) to address the statutory exception at 38 U.S.C. 8123, Procurement of prosthetic appliances, which states: ''The VA may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as the VA may determine to be proper, without regard to any other provision of law.'' Finally, under this section, we propose to add paragraph (c) to address the statutory exception at 38 U.S.C. 8153, Sharing of health-care resources, which allows the VA to secure health-care resources which otherwise might not be feasibly available, or to effectively utilize certain other health-care resources, by using simplified procedures which were codified in VAAR part 873, Simplified Acquisition Procedures For Health-Care Resources.

We propose to remove 801.105 (no text) and 801.105–2, Arrangement of regulations, as the location of this guidance has been revised to comport with the placement of the corresponding FAR guidance. The information that was covered here has been moved to 801.301, Policy.

In 801.106, OMB approval under the Paperwork Reduction Act, we propose to delete the chart that contains the OMB approval numbers. We propose to revise this section to add language directing the reader to the VAAM for the list of information collection and recordkeeping requirements associated with the control numbers. Given the constant updating of VA's information collection requirements and the OMB control numbers, it is more prudent to place this information in the VAAM which doesn't require rulemaking for updating.

VA proposes to remove subpart 801.2, Administration, as it explains the role of the Defense Acquisition Regulations Council and the Civilian Agency Acquisition Council, which is redundant to the FAR.

We propose to revise the name of subpart 801.3 from ''Department Acquisition Regulations'' to ''Agency Acquisition Regulations'' so that the title comports with the FAR heading. We propose to add 801.301, Policy, which states that the VA implementation and supplementation of the FAR is issued in the VAAR under authorization and subject to the authority, direction, and control of the Secretary of Veterans Affairs. This section also explains what the VAAR contains and introduces and explains the VAAM.

For 801.304, we propose to revise this section to change the title from ''Department control and compliance procedures'' to ''Agency control and compliance procedures'' to comport with the FAR title of this section. We also propose to revise the text to reflect

the roles and titles currently in use in VA.

We propose to revise the title of subpart 801.4 from ''Deviations from the FAR and VAAR'' to ''Deviations from the FAR.'' This change was made to conform to the FAR title.

We propose to revise 801.403, Individual deviations, by adding language specifying that the Senior Procurement Executive (SPE) may authorize individual deviations from the FAR and VAAR when an individual deviation is in the best interest of the Government.

Under 801.404, Class deviations, we propose to revise the language to clarify that the SPE is the VA authority designated to comply with FAR 1.404.

Under subpart 801.6, Career Development, Contracting Authority and Responsibilities, we propose to revise 801.601, General, to reflect that that the SPE has authority to appoint contracting officers under FAR 1.603 and this authority is further delegated to the heads of the contracting activities (HCAs). This revision also removes the reference to VA's Contracting Officer Certification Program (COCP) which no longer exists. We also propose to revise the section to remove the material pertaining to purchase card holders and to add coverage that HCAs may authorize ordering officers to place orders against a contract or agreement under certain circumstances.

Under 801.602, Contracting officers, we propose to remove this section as the policy regarding bills of lading and the authorization to sell personal property is outdated and the coverage including the responsibilities delegated to contracting officers is not required in the regulation.

We propose to remove 801.602–2, Responsibilities, and move this internal guidance to the VA Acquisition Manual (VAAM).

We propose to revise 801.602–3, Ratification of unauthorized commitments, to update the authorities within the VA designated to ratify unauthorized commitments. This section incorporates the language from Class Deviation—VAAR 801.602–3, Ratification of Unauthorized Commitments, dated May 3, 2013. We propose to delete the procedural guidance from this section and move it to the VAAM.

We propose to remove 801.602–70, General review requirements, and add it to the VAAM as it contains VA's internal procedures.

We propose to remove 801.602–71, Basic review requirements, and add it to the VAAM as it contains VA's internal procedures.

We propose to remove the following three sections: 801.602–72, Exceptions and additional review requirements; 801.602–73, Review requirements for scarce medical specialist contracts and contracts for health care resources; and 801.602–74, Review requirements for an interagency agreement. The three sections contain policy requiring reviews at the Departmental level, inconsistent with current VA policy in this area.

We propose to remove 801.602–75, Review requirements—OGC, and the corresponding table and add it to the VAAM as it contains VA's internal procedures and review thresholds. A class deviation to update this policy was signed April 12, 2017.

We propose to delete the sections listed below as they contain policy requiring reviews at the Departmental level, inconsistent with current VA policy in this area. Various sections are also specific to only one administration/organization which is inconsistent with the objective to establish policies and procedures at the departmental level. The sections slated for removal as described above are as follows:

801.602–76 Business clearance review.
801.602–77 Processing solicitations and contract documents for legal or technical review—general.
801.602–78 Processing solicitations and contract documents for legal or technical review—Veterans Health Administration field facilities, Central Office (except Office of Construction and Facilities Management), the National Acquisition Center, and the Denver Acquisition and Logistics Center.
801.602–79 Processing solicitations and contract documents for legal or technical review—Veterans Benefits Administration.
801.602–80 Legal and technical review—Office of Construction and Facilities Management and National Cemetery Administration.
801.602–81 Documents required for business clearance reviews.
801.602–82 Documents to submit for legal or technical review—general.
801.602–83 Documents to submit for legal or technical review—contract modifications.
801.602–84 Documents to submit for business clearance reviews.
801.602–85 Results of review.

We also propose to remove section 801.603, Selection, appointment, and termination of appointment, as this information includes internal VA procedures and this information is more suitable for inclusion in the VAAM. The sections slated for removal under this section are as follows:

801.603–1 General.
801.603–70 Representatives of contracting officers.
801.603–71 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

We propose to renumber and retitle the proposed for removal 801.603–70, to 801.604, and from ''Representatives of contracting officers'' to ''Contracting Officer's Representatives (COR),'' to comport with the FAR heading and location. We propose to revise the section to remove the text stating that contracting officers can name a Government employee as a representative as it is redundant to guidance at FAR 1.602–2(d). We have also removed obsolete guidance allowing contracting officers to delegate their authority to other Government contracting officers under centralized indefinite delivery type contracts. We also removed outdated guidance pertaining to centralized contracts for blood and other contract practices that are managed at the contracting office level. We propose to revise the text prescribing the clause to match the revised section heading. The clause has been renumbered from 852.270–1 to 852.201–70 to be consistent with the numbering convention for VA's clauses.

We propose to remove 801.670, Special and limited delegation, for not adding value to the regulation. It restates guidance that is provided elsewhere regarding the delegation of authority to award contracts.

We propose to remove 801.670–1, Issuing bills of lading, which rescinds the authority to issue bills of lading. This is redundant as the authority to issue bills of lading was removed from the VAAR at 801.602. We propose to remove section 801.670–3, as this policy is now obsolete.

We propose to remove 801.670–4, National Cemetery Administration, as it does not fit the criteria of being departmental level policy and it also includes information that is no longer current.

We propose to remove 801.670–5, Letters of agreement, as it states that the authority to utilize letters of agreement has been rescinded. This guidance is no longer relevant at this time.

We propose to remove 801.680, Contracting authority of the Inspector General, as this information is more appropriate for the VAAM.

We propose to remove 801.690, VA's COCP and the following sections: 801.690–1, Definitions; 801.690–2, General; 801.690–3, Responsibilities under the COCP; 801.690–4, Selection; 801.690–5, Requirements for contracting authority; 801.690–6, Appointment; 801.690–7, Termination; 801.690–8, Interim appointment provisions; and 801.690–9, Distribution of Certificates of

Appointment. We propose to delete the sections listed above as they all describe a program, the Contracting Officer's Certification Program (COCP) that no longer exists. The guidance previously located in 801.690–9, Distribution of Certificates of Appointment, has been moved to 801.603–3.

We propose to remove 801.695, VA's Appointment of HCA's Program, and the supporting sections: 801.695–1, Policy; 801.695–2, Procedures for appointment of HCAs; and 801.695–3, Authority of the HCA. We propose to remove the sections listed above and move them to the VAAM as they include information that is internal to the VA.

VAAR Part 802—Definitions of Words and Terms

VA proposes adding the definition of *Ordering Officer* to reflect the introduction and usage of the term in multiple parts of the VAAR. The authorities cited for this part are: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

VAAR Part 808—Required Sources of Supplies and Services

We propose adding a new section, 808.470, Ordering officers, under subpart 808.4, Federal Supply Schedules, to convey that ordering officers may be authorized to place orders under established orders and Blanket Purchase Agreements under a Federal Supply Schedule award with a single awardee. The authorities cited for this part are: 38 U.S.C. 8127–8128; 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

VAAR Part 816—Types of Contracts

VA proposes to add a new section, 816.570, Ordering officers, under subpart 816.5, Indefinite-Delivery Contracts, to convey that ordering officers may be authorized to place orders under established Indefinite-Delivery Contracts with a single awardee. The authorities cited for this part are: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

VAAR Part 835—Research and Development

We propose to add a new part 835, Research and Development. The authorities cited for this part are 38 U.S.C. 7303, 40 U.S.C. 121(c), 41 U.S.C. 1702 and 48 CFR 1.301–1.304. We propose to add 835.001–70, VA definitions, to provide four R&D definitions crafted for the VA. We propose to add 835.003–70, Policy, in which paragraph (a) cites the U.S. Code that authorizes VA to execute a medical research program to improve the medical treatment of our Veterans and paragraph (b) states that the Office of Research Oversight (ORO) serves as the primary VHA office that advises the Under Secretary for Health on all compliance matters related to: Human subject protections; laboratory animal welfare, research safety, research laboratory security, research information security, research misconduct, and other research improprieties. Also under part 835, we propose to add 835.003–71, Research misconduct, which requires the contracting officer to insert the research misconduct clause into all R&D solicitations and contracts and 835.003–72, Protection of human subjects, which requires the contracting officer to insert the ''Protection of Human Subject'' clause in all R&D solicitations and contracts.

In 835.003–73, Animal welfare, we propose to add a prescription requiring the contracting officer to insert the Animal Welfare clause, 852.235–72, in all R&D solicitations and contracts. Under 835.003–74, Facilities, we propose to add a prescription requiring contracting officers to insert clause 852.235–73, Facilities, into R&D solicitations and contracts when the facilities to be assigned to perform effort on an R&D contract are critical to the success of the R&D effort or are a critical factor in the award of the contract. Under 835.003–75, Acknowledgement of support and disclaimer, we propose to add a prescription requiring contracting officers to insert clause 852.235–74, Acknowledgement of Support and Disclaimer, into R&D solicitations and contracts. We propose to add 835.010, Scientific and technical reports, which includes a prescription requiring contracting officers to insert clause 852.235–75, Scientific and Technical Reports, into R&D solicitations and contracts.

VAAR Part 852—Solicitation Provisions and Contract Clauses

In subpart 852.2, Text of Provisions and Clauses, we propose to add clause 852.201–70, Contracting Officer's Representative (COR). This clause replaces a clause previously numbered as 852.270–1 and entitled ''Representatives of contracting officers.''

We propose to add clause 852.235–70, Research Misconduct. This clause requires contractors to notify the contracting officer if there are any allegations of research misconduct. The clause also provides procedures for contractors to follow if their initial inquiry into the allegations requires a full investigation. We propose to add clause 852.235–71, Protection of Human Subjects, which makes clear that research involving human subjects is not permitted under the award unless expressly authorized in writing by the contracting officer.

We propose to add clause 852.235–72, Animal Welfare, which should be used in all R&D solicitation and contracts and directs VA's contractors to comply with the United States Department of Agriculture (USDA) Animal Welfare Act and Animal Welfare Regulations at *https://www.aphis.usda.gov/animal_welfare,* and the Animal Welfare Information Center's (AWIC) information for improved animal care and use in research, testing, and teaching. This clause also directs the contractor to provide to the contracting officer a written plan of providing adequate veterinary care to laboratory animals, including the frequency of visits and provisions for after hours, weekend and holiday veterinary coverage. We propose to add clause 852.235–73, Facilities, which stipulates that the facilities specified in the contract proposal are considered essential to the work being performed under the contract and that prior to changing the facilities, the contractor must notify the contracting officer in writing of the intent to remove, replace, or divert any of the specified facilities and the contractor cannot make a change in facilities without the contracting officer's written consent.

Under subpart 852.2, we propose to add 852.235–74, Acknowledgement of Support and Disclaimer. This clause requires the contractor to acknowledge the Government's support in the publication of any material based on research developed under the contract and it also requires contractors to add a disclaimer (for all material published outside of scientific journals and papers), that ''any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the VA.'' We also propose to add clause 852.235–75, Scientific and Technical Reports, which requires contractors to submit an electronic copy of the approved scientific technical reports delivered under the contract to the National Technical Information Service (NTIS).

Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits

(including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this proposed rule is not a significant regulatory action under Executive Order 12866.

The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

This rulemaking does not change VA's policy regarding small businesses and does not have a significant economic impact to individual businesses. The overall impact of the proposed rule would be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to provide needed guidance to ensure VA's contractors properly protect and safeguard VA sensitive information, which includes Veteran's sensitive personal information. This rulemaking adds a new VAAR part concerning Acquisition of Information Technology that codifies information collection burdens. VA's requirement to collect the information is the result of existing requirements to ensure compliance across the Federal government and specifically when VA contractors, subcontractors, business associates and their employees require access to VA information (including VA sensitive information) or information systems. VA is merely adding existing and current regulatory requirements to the VAAR and placing guidance that is applicable only to VA's internal operation processes or procedures into a VA Acquisition Manual. VA estimates no substantial cost impact to individual businesses will result from these rule updates already required to be considered by both large and small businesses to receive an award from VA or another Federal agency. There are costs associated with this rulemaking pertaining to the codification of an information collection request in order to comply with VA's responsibilities under the Federal Information Security Modernization Act of 2014. Each agency of the Federal Government must provide security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source. By statute, VA is required to ensure that its contractors, subcontractors, business associates, and their employees operating under contracts at VA shall be subject to the same Federal laws, regulations, policies or procedures as VA and VA personnel. While this requirement adds some burden in annual costs and hours to firms already awarded and performing contracts at VA, the overall cost is considered *de minimis,* for either large or small contractors, in relation to the potential impact and harm to Veterans and VA information and information systems should a contractor not comply. Properly setting forth the requirements will provide clarity to the public and ensure appropriate safeguards are in place to ensure protection of VA's information (in particular VA sensitive personal information) and information systems. In total, this rulemaking does not change VA's policy regarding small businesses, does not have a substantial economic impact to individual businesses, and does not significantly increase or decrease costs small business were already required to bear when performing contracts which required the access, maintenance, process, or utilization of VA sensitive information or information systems.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal Governments or on the private sector.

List of Subjects

48 CFR Part 801

Administrative practice and procedure, Government procurement, Reporting and recordkeeping requirements.

48 CFR Parts 802, 808, and 816

Government procurement.

48 CFR Part 835

Administrative practice and procedure, Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on February 3, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Consuela Benjamin,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons set out in the preamble, VA is proposing to amend 48 CFR parts 801, 802, 808, 816, 835, and 852 as follows:

■ 1. Part 801 is revised to read as follows:

PART 801—DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION SYSTEM

Sec.
801.000 Scope of part.

Subpart 801.1—Purpose, Authority, Issuance

801.101 Purpose.
801.103 Authority.
801.104 Applicability.
801.104–70 Exclusions.
801.106 OMB approval under the Paperwork Reduction Act.

Subpart 801.3—Agency Acquisition Regulations

801.301 Policy.
801.304 Agency control and compliance procedures.

Subpart 801.4—Deviations from the FAR

801.403 Individual deviations.
801.404 Class deviations.

Subpart 801.6—Career Development, Contracting Authority, and Responsibilities

801.601 General.
801.602–3 Ratification of unauthorized commitments.

801.604 Contracting Officer's Representative (COR).

Authority: 38 U.S.C. 8123; 38 U.S.C. 8153; 38 U.S.C. 8303; 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

801.000 Scope of part.

This part includes general Department of Veterans Affairs (VA) Acquisition Regulation (VAAR) policies, including information regarding the maintenance and administration of the VAAR, acquisition policies and practices, and procedures for deviation from the VAAR and the Federal Acquisition Regulation (FAR).

Subpart 801.1—Purpose, Authority, Issuance

801.101 Purpose.

(a) VA established the VAAR to codify and publish uniform policies and procedures for VA's acquisition of supplies and services, including construction.

(b) The VAAR implements and supplements the FAR.

801.103 Authority.

The VA issues the VAAR under the authority of 41 U.S.C. 1707 and 48 CFR 1.301 through 1.304, and other authorities as cited.

801.104 Applicability.

The FAR and the VAAR apply to all FAR-based VA actions using appropriated funds unless otherwise specified in this regulation. Supply Fund monies (38 U.S.C. 8121) and General Post Funds (38 U.S.C. 8302) are appropriated funds.

801.104–70 Exclusions.

(a) *Restricted gifts.* The FAR and VAAR do not apply to purchases and contracts that use General Post Funds if using the FAR and the VAAR would infringe upon a donor's right to specify the exact item to be purchased and/or the source of supply (38 U.S.C. 8303).

(b) *Procurement of prosthetic appliances.* The VA may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as the VA may determine to be proper, without regard to any other provision of law (38 U.S.C. 8123).

(c) *Sharing of health-care resources.* (1) To secure health-care resources which otherwise might not be feasibly available, or to effectively utilize certain other health-care resources, the VA may, when the VA determines it to be in the best interest of the prevailing standards of the Department medical care program, make arrangements, by contract or other form of agreement for the mutual use, or exchange of use, of health-care resources between Department health-care facilities and any health-care provider, or other entity or individual.

(2) The VA may enter into a contract or other agreement under paragraph (c)(1) of this section if such resources are not, or would not be, used to their maximum effective capacity.

(3)(i) If the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with 38 U.S.C. 7302, including medical practice groups and other entities associated with affiliated institutions, blood banks, organ banks, or research centers, the VA may make arrangements for acquisition of the resource without regard to any law or regulation (including any Executive order, circular, or other administrative policy) that would otherwise require the use of competitive procedures for acquiring the resource.

(ii) If the health-care resource required is a commercial service or the use of medical equipment or space, and is not to be acquired from an entity described in paragraph (c)(3)(i) of this section, any procurement of the resource may be conducted without regard to any law or regulation that would otherwise require the use of competitive procedures for procuring the resource, but only if the procurement is conducted in accordance with the simplified procedures prescribed in part 873. (38 U.S.C. 8153).

801.106 OMB approval under the Paperwork Reduction Act.

See VA Acquisition Manual (VAAM) M801.106 for a list of the information collection and recordkeeping requirements contained in this part that have been approved by the Office of Management and Budget.

Subpart 801.3—Agency Acquisition Regulations

801.301 Policy.

(a)(1) VA implementation and supplementation of the FAR is issued in the Veterans Affairs Acquisition Regulation (VAAR) under authorization and subject to the authority, direction, and control of the Secretary of Veterans Affairs. The VAAR contains—

(i) Requirements of law;

(ii) Agency policies;

(iii) Delegations of FAR authorities;

(iv) Deviations from FAR requirements; and

(v) Policies/procedures that have a significant effect beyond the internal operating procedures of VA or a significant cost or administrative impact on contractors or offerors.

(2) Relevant internal procedures, guidance, and information (PGI) that do not meet the criteria in paragraph (a)(1) of this section are issued in the Veterans Affairs Acquisition Manual (VAAM).

801.304 Agency control and compliance procedures.

The Principal Executive Director of VA's Office of Acquisition, Logistics and Construction is designated as the Department's Chief Acquisition Officer. The Executive Director for the Office of Acquisition and Logistics (OAL) is designated as the Department's Senior Procurement Executive (SPE). The SPE is responsible for amending the VAAR for compliance with FAR 1.304.

Subpart 801.4—Deviations From the FAR

801.403 Individual deviations.

The SPE may authorize individual deviations from the FAR and VAAR in accordance with FAR 1.403 when an individual deviation is in the best interest of the Government.

801.404 Class deviations.

The SPE may authorize class deviations from the FAR and VAAR when a class deviation is in the best interest of the Government.

Subpart 801.6—Career Development, Contracting Authority, and Responsibilities

801.601 General.

(a) The Senior Procurement Executive is granted the authority to appoint and terminate contracting officers. This authority is further delegated to the heads of the contracting activities (HCA) and others as appropriate. The SPE may also delegate authority to execute, award, and administer contracts, purchase orders, and other agreements to other VA officials, such as HCAs and contracting officers. All delegations of authority will be made in writing.

(b) HCAs may authorize the use of ordering officers to order supplies and services in accordance with the ordering limits identified in the contract or agreement or the specific ordering guide. Ordering officers shall be delegated in writing. The written delegation must be specific to the contract or agreement and articulate the limitations of the delegated authority. Ordering officers shall only place orders against the contract or agreement if it is awarded to a single awardee. Ordering

officers may not negotiate contract terms and conditions, determine price reasonableness, or determine best value. If the contracting officer determines prior to award that ordering officers will be authorized to place orders against a contract or agreement, the contracting officer will furnish the contractor with the names of individuals delegated ordering officer authority by separate letter upon issuance of the contract.

801.602–3 Ratification of unauthorized commitments.

(a) This section applies to unauthorized commitments, including any commitment made by a contracting officer that exceeds that contracting officer's contracting authority and unauthorized commitments made by a Government representative who lacked the authority to enter into that agreement on behalf of the Government.

(b) The approving authority and ratification official for any unauthorized commitments is the HCA. The approval authority may not be re-delegated.

801.604 Contracting Officer's Representative (COR).

When the contracting officer intends to designate a Contracting Officer's Representative for a solicitation or contract, the contracting officer must include the clause in 852. 201–70, Contracting Officer's Representative, in the solicitation and contract.

PART 802—DEFINITIONS OF WORDS AND TERMS

■ 2. The authority citation for part 802 continues to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

Subpart 802.1—Definitions

■ 3. Section 802.101 is amended by adding the definition ''Ordering officer'' in alphabetical order to read as follows:

802.101 Definitions.

* * * * *

Ordering officer means the VA official authorized to order supplies and services against a FAR-based contract or agreement in accordance with the ordering limits identified in the contract or agreement or the specific ordering guide in accordance with 801.601(b).

* * * * *

PART 808—REQUIRED SOURCES OF SUPPLIES AND SERVICES

■ 4. The authority citation for part 808 is revised to read as follows:

Authority: 38 U.S.C. 8127–8128; 40 U.S.C. 121(c); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Subpart 808.4—Federal Supply Schedules

■ 5. Add section 808.470 to read as follows:

808.470 Ordering Officers

In accordance with 801.601, when authorized, ordering officers may place orders for supplies and services against agreements or task or delivery orders established by a contracting officer against Federal Supply Schedules within the ordering limits identified in the contract or agreement or the specific ordering guide when funding is available. Ordering officers shall only place orders against the order or agreement if it is awarded to a single awardee. The contracting officer that awarded the Blanket Purchase Agreements (BPA) or order will provide the contractor a list of authorized ordering officers. Any modifications to the agreement or order must be performed by a contracting officer.

PART 816—TYPES OF CONTRACTS

■ 6. The authority citation for part 816 continues to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

Subpart 816.5—Indefinite-Delivery Contracts

■ 7. Add section 816.570 to read as follows:

816.570 Ordering officers.

In accordance with 801.601, when authorized, ordering officers may place orders for supplies and services against established Indefinite-Delivery Contracts within the ordering limits identified in the contract or the specific ordering guide when funding is available. Ordering officers shall only place orders against the contract if it is awarded to a single awardee. When a contracting officer appoints an ordering officer in writing after award, the contracting officer will furnish the contractor with an updated list of individual ordering officers authorized to place orders against the contract. Ordering officers may not negotiate contract terms and conditions, determine price reasonableness, or determine best value.

■ 8. Part 835 is added to subchapter F to read as follows:

PART 835—RESEARCH AND DEVELOPMENT CONTRACTING

Sec.

835.001–70 Veterans Affairs (VA) definitions.
835.003–70 VA policy.
835.003–71 Research misconduct.
835.003–72 Protection of human subjects.
835.003–73 Animal welfare.
835.003–74 Facilities.
835.003–75 Acknowledgement of support and disclaimer.
835.010 Scientific and technical reports.

Authority: 38 U.S.C. 7303; 40 U.S.C. 121(c); 41 U.S.C. 1702 and 48 CFR 1.301 through 1.304.

835.001–70 Veterans Affairs (VA) definitions.

Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalized knowledge.

Research impropriety refers to noncompliance with the laws, regulations, and policies regarding human subject protections, laboratory animal welfare, research safety, research laboratory security, research information security, and research misconduct. It does not encompass improper procedures or conduct in areas outside of the mandate of the Office of Research Oversight (ORO) (*e.g.,* waste, fraud, abuse, or fiscal mismanagement).

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

VA facility means a component of the VA national health care system, such as a VA Medical Center, VA Health Care System, or VA Medical and Regional Office Center.

835.003–70 VA policy.

(a) Pursuant to 38 U.S.C. 7303, VA is authorized to carry out a program of medical research in connection with the provisions of medical care and treatment to Veterans.

(b) The Office of Research Oversight (ORO) serves as the primary Veterans Health Administration (VHA) office that advises the Under Secretary for Health on all compliance matters related to—

(1) Human subject protections;
(2) Laboratory animal welfare;
(3) Research safety;
(4) Research laboratory security;
(5) Research information security;
(6) Research misconduct; and
(7) Other research improprieties.

835.003–71 Research misconduct.

The contracting officer shall insert the clause at 852.235–70, Research

Misconduct, in all research and development (R&D) solicitations and contracts.

835.003–72 Protection of human subjects.

The contracting officer shall insert the clause at 852.235–71, Protection of Human Subjects, in all research and development (R&D) solicitations and contracts.

835.003–73 Animal welfare.

The contracting officer shall insert the clause at 852.235–72, Animal Welfare, in all research and development (R&D) solicitations and contracts.

835.003–74 Facilities.

If the contracting officer determines that the facilities to be assigned to perform effort on a research and development (R&D) contract are critical to the success of the R&D effort, the contracting officer shall insert the clause at 852.235–73, Facilities, in the solicitation and contract.

835.003–75 Acknowledgement of support and disclaimer.

The contracting officer shall insert the clause at 852.235–74, Acknowledgement of Support and Disclaimer, in all research and development (R&D) solicitations and contracts.

835.010 Scientific and technical reports.

The contracting officer shall insert the clause at 852.235–75, Scientific and Technical Reports, in all research and development (R&D) solicitations and contracts.

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3), 41 U.S.C. 1303; 41 U.S.C. 1702; and 48 CFR 1.301 through 1.304.

■ 10. Section 852.235–70 is added to read as follows:

852.235–70 Research Misconduct.

As prescribed at 835.003–71, insert the following clause:

Research Misconduct (Date)

(a) The Contractor is responsible for maintaining the integrity of research performed pursuant to this contract award including the prevention, detection and remediation of research misconduct as defined in 835.001–70.

(b) The Contractor shall notify the Contracting Officer within 7 business days of any research misconduct allegations received by the facility concerning this contract award.

(c) The Contractor shall conduct an initial inquiry into any allegation of research misconduct. If the Contractor determines that there is sufficient evidence to proceed to an investigation, the Contractor shall notify the Contracting Officer and, unless otherwise instructed shall—

(1) Conduct an investigation to develop a complete factual record and an examination of such record leading to either a finding of research misconduct and an identification of appropriate remedies, or a recommendation that no further action is warranted;

(2) When the investigation results in a research misconduct finding, ensure the matter is adjudicated by a responsible official who was not involved in the inquiry or investigation and is organizationally separated from the element which conducted the investigation. The adjudication shall include a review of the investigation record and a recommendation of appropriate corrective actions and sanctions; and

(3) When an investigation is complete, the Contractor shall forward to the Contracting Officer a copy of the evidentiary record, the investigative report, any recommendations made to the Contractor's adjudicating official, the adjudicating official's recommendation and notification of any proposed corrective action, and the subject's written response, if any. The Contracting Officer will review the documentation to determine whether the proposed corrective action can proceed.

(d) The VA may elect to act in lieu of the Contractor in conducting an inquiry or investigation into an allegation of research misconduct if the Contracting Officer finds that—

(1) The research organization is not prepared to handle the allegation in a manner consistent with this clause and it is believed it cannot reasonably conduct the inquiry;

(2) VA involvement is necessary to ensure the public health, safety, and security, or to prevent harm to the public interest; or

(3) The allegation involves possible criminal misconduct.

(e) The Contractor shall provide safeguards for information received and protect informants, witnesses and respondents of allegations as follows:

(1) The Contractor shall provide safeguards to ensure that individuals may bring allegations of research misconduct made in good faith to the attention of the Contractor without suffering retribution. Safeguards include: protection against retaliation; fair and objective procedures for examining and resolving allegations; and diligence in protecting positions and reputations.

(2) The Contractor shall also assure the respondent that their rights are protected and that the mere filing of an allegation of research misconduct will not result in an adverse action. Safeguards include timely written notice regarding substantive allegations against them, a description of the allegations and reasonable access to any evidence submitted to support each allegation. Respondents must be given the opportunity to prepare a response to an allegation and notice of any findings of research misconduct.

(f) *Objectivity and expertise.* The Contractor shall select individual(s) to inquire, investigate, and adjudicate allegations of research misconduct who have appropriate expertise and have no unresolved conflict of interest. The individual(s) who conducts the adjudication must not be the same individual(s) who conducted the inquiry or investigation and must be separate organizationally from the element that conducted the inquiry or investigation.

(End of clause)

■ 11. Section 852.235–71 is added to read as follows:

852.235–71 Protection of Human Subjects.

As prescribed at 835.003–72, insert the following clause:

Protection of Human Subjects (Date)

(a) Research involving human subjects is not permitted under this award unless expressly authorized in writing by the Contracting Officer. Such authorization will specify the details of the approved research involving human subjects and will be incorporated by reference into this contract.

(b) The Federal Policy for the Protection of Human Subjects (the ''Common Rule''), adopted by VA (see 38 CFR part 16), requires Contractors to maintain appropriate policies and procedures for the protection of human subjects in research. The Common Rule defines a ''human subject'' as a living individual about whom an investigator conducting research obtains data through intervention or interaction with the individual, or identifiable private information. The term ''research'' means a systematic investigation, including research development and/or testing and evaluation, designed to develop or contribute to generalized knowledge. The Common Rule also sets forth categories of research that may be considered exempt from 15 CFR part 27. These categories may be found at 15 CFR 27.101.

(c) Should research involving human subjects be included in the proposal, prior to issuance of an award, the Contractor shall submit the following documentation to the Contracting Officer:

(1) Documentation to verify that the Contractor has established a relationship with an appropriate Institutional Review Board (''cognizant IRB''). An appropriate IRB is one that is located within the United States and within the community in which the research will be conducted;

(2) Documentation to verify that the cognizant IRB possesses a valid registration with the United States Department of Health and Human Services' Office for Human Research Protections (''OHRP'');

(3) Documentation to verify that the Contractor has a valid Federal-wide Assurance (FWA) issued by OHRP.

(d) Prior to starting any research involving human subjects, the Contractor shall submit appropriate documentation to the Contracting Officer for institutional review and approval. This documentation may include:

(1) Copies of the research protocol, all questionnaires, surveys, advertisements, and informed consent forms approved by the cognizant IRB;

(2) Documentation of approval for the research protocol, questionnaires, surveys, advertisements, and informed consent forms by the cognizant IRB;

(3) Documentation of continuing IRB approval by the cognizant IRB at appropriate intervals as designated by the IRB, but not less than annually; and/or

(4) Documentation to support an exemption for the project from the Common Rule (Note: this option is not available for activities that fall under 45 CFR part 46, subpart C).

(e) Additionally, if the Contractor modifies a research protocol, questionnaire, survey, advertisement, or informed consent form approved by the cognizant IRB, the Contractor shall submit a copy of all modified material along with documentation of approval for said modification by the cognizant IRB to the Contracting Officer for institutional review and approval. The Contractor shall not implement any IRB approved modification without written approval by the Contracting Officer.

(f) No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged to the project, until the Contracting Officer approves the required appropriate documentation in writing.

(g) The Contractor shall bear full responsibility for the performance of all work and services involving the use of human subjects under this contract in a proper manner and as safely as is feasible. The parties hereto agree that the Contractor retains the right to control and direct the performance of all work under this contract. Nothing in this contract shall be deemed to constitute the Contractor or any subcontractor, agent or employee of the Contractor, or any other person, organization, institution, or group of any kind whatsoever, as the agency or employee of the Government. The Contractor agrees that it has entered into this contract and will discharge its obligations, duties, and undertakings and the work pursuant thereto, whether requiring professional judgement or otherwise, as an independent Contractor without imputing liability on the part of the Government for the acts of the Contractor or its employees.

(h) If at any time during performance of this contract, the Contracting Officer determines, in consultation with the Office for Protection from Research Risks (OPRR), National Institutes of Health (NIH), that the Contractor is not in compliance with any of the requirements, the Contracting Officer may immediately suspend the research and further payments under this contract until the Contractor corrects such noncompliance. Notice of the suspension may be communicated by telephone and confirmed in writing. If the Contractor fails to complete the corrective action within the period of time designated in the Contracting Officer's written notice of suspension, the Contracting Officer may, in consultation with OPRR, NIH, terminate this contract and the Contractor's name may be removed from the list of those Contractors with approved Department of Health and Human Services Human Subject Assurances.

(End of clause)

■ 12. Section 852.235–72 is added to read as follows:

852.235–72 Animal Welfare.

As prescribed in 835.003–73, insert the following clause:

Animal Welfare (Date)

(a) The Contractor shall—

(1) Use the Veterans Affairs (VA), Office of Research Oversight (ORO) Laboratory Animal Welfare Checklist;

(2) Comply with the United States Department of Agriculture (USDA) Animal Welfare Act and Animal Welfare Regulations at *https://www.aphis.usda.gov/animal_welfare,* and the Animal Welfare Information Center's (AWIC) information for improved animal care and use in research, testing, and teaching provided at *https://www.nal.usda.gov/awic;*

(3) Develop and provide to the Contracting Officer a written plan of providing adequate veterinary care to laboratory animals, including—

(i) The frequency of visits; and

(ii) Provisions for after-hours, weekend and holiday veterinary coverage.

(b) The Contracting Officer may immediately suspend the work by issuance of a stop work order and suspend further payments under this contract for failure to comply with the requirements of this clause.

(c) The suspension will stay in effect until the Contractor complies with the requirements. Failure to complete corrective action within the time specified by the Contracting Officer may result in termination of this contract.

(d) The Contractor shall include the substance of this clause, in all subcontracts involving research and development, testing, evaluation or training that use live vertebrate animals.

(End of clause)

■ 13. Section 852.235–73 is added to read as follows:

852.235–73 Facilities.

As prescribed at 835.003–74, insert the following clause:

Facilities (Date)

(a) The facilities specified in the contract are considered essential to the work being performed under this contract. Therefore, prior to removing, replacing, or diverting any of the listed or specified facilities, the Contractor shall—

(1) Notify the Contracting Officer in writing; and

(2) Submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the potential impact on this contract.

(b) The Contractor shall make no removal, replacement or diversion of facilities without the Contracting Officer's written consent.

(End of clause)

■ 14. Section 852.235–74 is added to read as follows:

852.235–74 Acknowledgement of Support and Disclaimer.

As prescribed at 835.003–75, insert the following clause:

Acknowledgement of Support and Disclaimer (Date)

(a) The Contractor shall include an acknowledgment of the Government's support in the publication of any material based on or developed under this contract, stated in the following terms: This material is based upon work supported by the (name of contracting agency) under this VA contract.

(b) All material, except scientific articles or papers published in scientific journals, must, in addition to any notices or disclaimers by the Contractor, also contain the following disclaimer:

Any opinions, findings, conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the VA.

(End of clause)

■ 15. Section 852.235–75 is added to read as follows:

852.235–75 Scientific and Technical Reports.

As prescribed at 835.010, insert the following clause:

Scientific and Technical Reports (Date)

The Contractor shall submit an electronic copy of the approved scientific technical reports, not a summary, delivered under this contract to the National Technical Information Service (NTIS) as delineated at FAR 35.010.

(End of clause)

852.270–1 [Redesignated as Section 852.201–70]

■ 16. Section 852.270–1 is redesignated as section 852.201–70 and revised to read as follows:

852.201–70 Contracting Officer's Representative.

As prescribed in 801.604, insert the following provision:

Contracting Officer's Representative (Date)

The Contracting Officer reserves the right to designate representatives to act for him/her in furnishing technical guidance and advice or generally monitor the work to be performed under this contract. Such designation will be in writing and will define the scope and limitation of the designee's authority. A copy of the designation letter shall be furnished to the Contractor.

(End of provision)

[FR Doc. 2022–02796 Filed 2–22–22; 8:45 am]

BILLING CODE 8320–01–P

Notices

Federal Register
Vol. 87, No. 36
Wednesday, February 23, 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 17, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by March 25, 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.

Forest Service

Title: Certification of Concrete Construction.

OMB Control Number: 0596–NEW.

Summary of Collection: Forest Service Special Use Permit (SUP FS–2700–5b) requires that Authorized Officers receive assurances from licensed architects and engineers that certify that the construction has been completed in accordance with the final design criteria for such work. SUP Clause IIB requires that ''all plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans, must be prepared by a licensed engineer, architect, landscape architect, or other qualified professional acceptable to the Authorized Officer.

Need and Use of the Information: The standard Forest Service Special Use Permit requires the permit holder to be responsible for the design, construction, operation and maintenance of permitted facilities and public safety. Forest Service ski area permit administration through monitoring obtain assurance of the permit holder's compliance with terms and conditions of the special use permit. It is also appropriate, and suitable, to rely on professional certifications provided by the permit holder from licensed architects and engineers employed by or under contract to the permit holder to assist in obtaining this assurance. This is the practice used for authorized facilities on National Forest Service land. Generally, the Forest Service is most concerned about potential impacts to NFS land and resources from the permitted facilities and directs its attention to design features and monitoring facilities to protect those resources and ensure public safety. Forest Service Special Use Permit FS–2700–5b (hereafter-SUP) and Forest Service Manual (FSM) 7320 and 7330 outline what plans and specifications submittals are required for permitted facilities prior to construction, acceptance testing, and prior to Authorized Officer granting authorization to permit holder for the public operation of these facilities. A Certification of Concrete Construction outlines what level of review and quality assurance by a qualified engineer is required and necessary for authorized privately owned facility construction permitted on Forest Service lands.

Description of Respondents: Individuals and Households.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 120.

Forest Service

Title: Assessing Technology Transfer Activities of the National Center for Reforestation, Nurseries, & Genetics Resources.

OMB Control Number: 0596–NEW.

Summary of Collection: The United States Department of Agriculture (USDA), United States Forest Service (Forest Service), National Center for Reforestation, Nurseries, and Genetic Resources (RNGR) supports the production of native plant materials for reforestation and restoration activities throughout the Nation and its insular areas. RNGR transfers important, science-based information to the managers of Federal, State, Tribal, other government entities, and private nurseries and farms.

The Washington State University, Social and Economic Sciences Research Center will design and collect information through a mail and web survey of the approximately 1,200 managers of Federal, State, Tribal, other government entities, and private nurseries and farms that produce native plant materials for reforestation and restoration. Information collected will include the name and address of the nursery, whether it is primarily for reforestation or restoration, what current RNGR products and tools the managers use and how effective are those products and tools, and what new technologies and approaches to transferring information might better serve managers. The Social and Economic Sciences Research Center will ensure survey validity and analyze and synthesize the information so that RNGR can implement the findings.

If the survey is not completed, RNGR may continue to use less effective and efficient methods to share science-based information with the managers Federal, State, Tribal, other government entities, and private nurseries and farms that produce native plant materials for reforestation and restoration. The goal of this survey is to implement more cost-effective methods of technology transfer

delivered to managers in the best format for them.

Need and Use of the Information: This information will be used to assess what RNGR products and tools are currently being used by the managers/owners of facilities that produce native seeds and plants for reforestation and restoration, and how effective those products and tools are. In addition, this information will be used to determine what new products, technologies, and approaches to transferring information might better serve managers/owners. The Social and Economic Sciences Research Center will ensure survey validity and analyze and synthesize the information so that RNGR can implement the findings.

Description of Respondents: State, local, and tribal governmental.

Number of Respondents: 1200.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 400.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03830 Filed 2–22–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 17, 2022.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding these information collections are best assured of having their full effect if received by March 25, 2022. 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.

Agricultural Marketing Service

Title: Survey of Hemp Producers and Production Trends.

OMB Control Number: 0581–NEW.

Summary of Collection: The Agricultural Improvement Act of 2018 (2018 Farm Bill) amended the Agricultural Marketing Agreement of 1946 and was signed into law December 20, 2018, as Public Law 115–334. Sec. 10113 of the 2018 Farm Bill amended the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) by adding Subtitle G—Hemp Production. The law requires U.S. Department of Agriculture (USDA) to promulgate regulations and guidelines to develop and oversee a program for the production of hemp in the United States. The 2018 Farm Bill directs that this will include state and tribal plans, and a USDA plan for those States, including territories of Indian tribes, that choose not to submit their own plan. The 2018 Farm Bill amended the Agricultural Marketing Act of 1946 (AMA) by adding Subtitle G (sections 297A through 297D of the AMA). Section 297B of the AMA requires the Secretary of Agriculture (Secretary) to evaluate and approve or disapprove State or Tribal plans regulating the production of hemp. Section 297C of the AMA requires the Secretary to establish a Federal plan for producers in States and territories of Indian Tribes not covered by plans approved under section 297B. Lastly, section 297D of the AMA requires the Secretary to promulgate regulations and guidelines relating to the production of hemp, including sections 297B and 297C, in consultation with the U.S. Attorney General.

USDA's Agricultural Marketing Service (AMS) has partnered with the University of Kentucky to develop and administer this hemp survey. The data obtained from the survey will be used for forecasting hemp activity and to develop a representative understanding of hemp production practices and costs at national, regional, and state levels. Once the survey has been administered and the results collected, the University of Kentucky will summarize the raw data from the survey into a comprehensive report for AMS.

Need and Use of the Information: This data collection effort directly addresses two priority needs identified in the USDA Internal Symposium on Science of Industrial Hemp (May 21, 2019). Specifically, to: (a) Identify data collection and reporting for hemp markets and (b) to determine break-even production costs and range and implications for market structure. The lack of production and economic data available for stakeholder and government decision-making within this emerging industry has been further documented in Mark et. al. 2020 and was highlighted in the USDA Agricultural Outlook Forum (February 2020) hemp session with over 300 stakeholders in attendance. Ellison 2021 in conjunction with the S1084: Industrial Hemp Production, Processing, and Marketing conducted a Hemp National Needs survey and economics, and marketing information was a key area of need for the industry. Results from the survey were presented at the National Hemp Conference sponsored by USDA NIFA and Colorado State University (Summer 2020). With a newly emerging industry and no existing national data collection, to respond to the breadth of identified needs coordinated data collection efforts must be undertaken. This data collection is focused on economic data (primarily production costs) from the 2020 season. Development of the hybrid (*i.e.* mail and online) survey instrument has been coordinated with USDA NASS.

Risks in the hemp market are high and rapidly changing, with consistent stakeholder demands for knowledge of economics and markets on which to base decisions. There is little to no information on demand for hemp derived products and market risks are exacerbated by lack of transparency and consistency in reporting. While several private or local sources of information have emerged, quality and costs for stakeholders are variable and requests for consistent unbiased national data from USDA continue. Economic data is also critical for national policymaking including rulemaking, risk management, and resource management. For example, data dependent research questions to address economic viability questions asked by stakeholders include competition for acreage (production alternatives), global competitiveness,

equity and rural development, risk management, and market outlook (including alternative products and production systems).

Description of Respondents: State, Local, and Tribal Governments.

Number of Respondents: 20,000.

Frequency of Responses: Annually.

Total Burden Hours: 10,000.

Agricultural Marketing Service

Title: LP–85—Lamb Assessment Refund Form.

OMB Control Number: 0581–NEW.

Summary of Collection: Congress has delegated to the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing research and promotion (R&P) programs for a variety of commodities, including lamb. These programs are established under legislation. The enabling legislation for the lamb research and promotion program is the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411–7425 and 7 U.S.C. 7401).

These R&P programs carry out projects relating to research, consumer information, advertising, sales promotion, producer information, market development, and product research to assist, improve, or promote the marketing, distribution, and utilization of their respective commodities. The R&P programs are funded and directed by industry boards whose members are appointed by the Secretary of Agriculture (Secretary), who also approves the boards' budgets, plans, and projects. The latter responsibility has been delegated to AMS.

The funding for these programs is industry-specific, with assessments generating from deductions from sales by producers and importers. AMS' objective in carrying out this responsibility is to assure the following: (1) Assessment funds are collected and properly accounted for; (2) expenditures of funds are for the purposes authorized by the enabling legislation; and (3) the boards' administration of the programs conforms to legislation and USDA policy. AMS' Livestock and Poultry Program (LP) has direct oversight of the lamb R&P program. The appointed boards are responsible for collecting assessments from the persons covered under and subject to these programs. To carry out their responsibilities, these programs require the use of forms covered under OMB No. 0581–0093.

Need and Use of the Information: The Lamb Promotion, Research, and Information Order (Order) and regulations governing the lamb R&P program authorizes the Lamb Promotion, Research, and Information Board (also known as American Lamb Board (Lamb Board)) to collect and submit certain information as required. The information may be used by certain lamb feeders who seek a refund of their paid assessments.

AMS developed a form needed to effectively carry out the regulatory action that would authorize the new collection procedures of their assessment funds to the national program.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 50.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 150.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03840 Filed 2–22–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 16, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 25, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number, and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Virus-Serum-Toxin Act and Regulations in 9 CFR, Subchapter E, Parts 101–124.

OMB Control Number: 0579–0013.

Summary of Collection: The Virus-Serum-Toxin Act (U.S.C. 151–159) gives the United States Department of Agriculture, the Animal and Plant Health Inspection Service (APHIS) the authority to promulgate regulations designed to prevent the importation, preparation, sale, or shipment of harmful veterinary biological products. A veterinary biological product is defined as all viruses, serums, toxins, and analogous products of natural or synthetic origin (such as vaccines, antitoxins, or the immunizing components of microorganisms intended for the diagnosis, treatment, or prevention of diseases in domestic animals).

Need and Use of the Information: APHIS uses the information collected as a primary basis for the approval or acceptance of issuing licenses or permits to ensure veterinary biological products that are used in the United States are pure, safe, potent, and effective. Failure to collect this information in a timely manner could result in harmful veterinary biologics being distributed or used in the United States. Consequently, injuries to animals or failure to prevent disease outbreaks would severely undermine consumer confidence in the effectiveness and safety of these products. Further, catastrophic damage could be inflicted upon U.S. livestock industries and pet populations and bring great harm to the U.S. economy and veterinary biologics industry.

Description of the Respondents: Businesses or other for profit, Foreign and State Governments, Private Individuals.

Number of Respondents: 478.

Frequency of Responses: Recordkeeping; Third Party Disclosure; Reporting: On occasion.

Total Burden Hours: 43,072.

Animal and Plant Health Inspection Service

Title: Animal Disease Traceability.

OMB Control Number: 0579–0327.

Summary of Collection: The Animal Health Protection Act of 2002 (7 U.S.C. 8301–8317) is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Veterinary Services unit (VS) of the Animal and Plant Health Inspection Service (APHIS) uses disease control to safeguard U.S. animal health. One important part of disease control is animal disease traceability. Animal disease traceability means being able to document the movement history of an animal throughout its life. Knowing where diseased and at-risk animals have been and are located, as well as when they have been there, is indispensable during an emergency response and important for ongoing disease programs. Traceability helps document the movement history of an animal throughout its life, including during an emergency response or for ongoing animal disease programs.

Need and Use of the Information: APHIS uses the following information collection activities and forms to facilitate Animal Disease Traceability (ADT) and support disease control, eradication, and surveillance activities. Within the ADT framework, official animal identification devices give a nationally unique identification number for livestock animals that require official identification. The distribution and use of official identification devices require some information collection activities. If this information was not collected, APHIS' ability to address traceability needs would be significantly hampered.

Description of Respondents: State, Local, or Tribal Government; Businesses.

Number of Respondents: 273,587.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,518,339.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03741 Filed 2–22–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement of a Previously Approved Information Collection

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology Comments regarding these information collections are best assured of having their full effect if received by March 25, 2022. 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.

Agricultural Marketing Service

Title: Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping (Subpart B).

OMB Control Number: 0581–0110.

Summary of Collection: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) directs the Department to develop programs that will provide for and facilitate the marketing of agricultural products. One of these programs is the USDA voluntary inspection and grading program for dairy products (7 CFR part 58) where dairy products are graded according to U.S. grade standards by a USDA grader. Dairy processors, buyers, retailers, institutional users, and consumers have requested that such a program be developed to assure the uniform quality of dairy products purchased. In order for any service program to perform satisfactorily, there must be written guides and rules, which in this case are regulations for the provider and user. For the above reasons, these regulations were developed and issued under the authority of the Act. These regulations are essential to administer the program needed by the user and to carry out the purposes of the Act.

Need and use of the Information: The Agricultural Marketing Service will collect information to ensure that the dairy inspection program products are produced under sanitary conditions and buyers are purchasing a quality product. The information collected through recordkeeping are routinely reviewed and evaluated during the inspection of the dairy plant facilities for USDA approval. Without laboratory testing results required by recordkeeping, the inspectors would not be able to evaluate the quality of dairy products.

Description of Respondents: Business or other for-profits.

Number of Respondents: 362.

Frequency of responses: Recordkeeping; Annually.

Total Burden Hours: 962.

February 17, 2022.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03843 Filed 2–22–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology Comments

regarding these information collections are best assured of having their full effect if received by March 25, 2022. 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.

Agricultural Marketing Service

Title: Farm, Food Workers Relief Grant Program.

OMB Control Number: 0581–0331.

Summary of Collection: The Consolidated Appropriations Act, 2021 (Pub. L. 116–260) directed the Secretary of Agriculture to provide ''grants and loans to small or midsized food processors or distributors, seafood processing facilities and processing vessels, farmers markets, producers, or other organizations to respond to coronavirus, including for measures to protect workers against the Coronavirus Disease 2019 (COVID–19).'' FFWR is authorized pursuant to Title VII, subtitle B, section 751 of the Consolidated Appropriations Act, 2021 in response to the ongoing COVID–19 pandemic and the need for worker protections. USDA AMS requests to collect information for this new grant program from grant applicants, including state agencies, tribal entities and non-profit organizations working to support farm workers, meatpacking workers, and grocery workers.

Need and Use of the Information: The information collected from respondents is for application to this voluntary, competitive grant program. The information collected is used only by authorized representatives of USDA, AMS, Transportation and Marketing Program's Grants Division to determine applicant eligibility and the data collected is the minimum information necessary to effectively carry out the program requirements.

Description of Respondents: State, Local, and Tribal Governments.

Number of Respondents: 40.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 1,726.

Dated: February 17, 2022.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03817 Filed 2–22–22; 8:45 am]

BILLING CODE 3410–02–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the South Dakota State Advisory Committee to the Commission will convene a meeting on Monday, March 14, 2022, at 3:30 p.m. (CT). The purpose of the meeting is to review and potentially vote on the Committee's voting rights project proposal.

DATES: Monday, March 14, 2022, at 3:30 p.m. (CT).

Public Web Conference Registration Link (video and audio): https://bit.ly/3AnTnxv; password, if needed: USCCR.

If Joining by Phone Only, Dial: 1–800–360–9505; access code: 2762 840 3606#.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at (202) 809–9618.

SUPPLEMENTARY INFORMATION: The meeting is available to the public through the web link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with conference details found through registering at the web link above. To request other accommodations, please email *mtrachtenberg@usccr.gov* at least 7 days prior to the meeting for which accommodations are requested.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Monday, March 14, 2022, at 3:30 p.m. (CT)

I. Welcome and Roll Call
II. Announcements and Updates
III. Approval of Minutes
IV. Planning Meeting: Project Proposal Discussion and Potential Vote
V. Public Comment
VI. Next Steps
VII. Adjournment

Dated: February 17, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–03786 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB783]

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR Webinar V for SEDAR Procedural Workshop 8: Fishery Independent Index Development Under Changing Survey Design.

SUMMARY: The SEDAR Procedural Workshop 8 for Fishery Independent Index Development will consist of a series of webinars, and an in-person workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Procedural Workshop 8 Webinar V will be held from 1 p.m. until 3 p.m. Eastern, March 15, 2022.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open

to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The item(s) of discussion for the webinar is as follows:

Participants will discuss data analysis for the SEDAR Procedural Workshop 8.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice 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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 17, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–03807 Filed 2–22–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB821]

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 78 South Atlantic Spanish Mackerel Assessment Webinar 5.

SUMMARY: The SEDAR 78 assessment of the South Atlantic stock of Spanish mackerel will consist of a series of assessment webinars. A SEDAR 78 Assessment Webinar 5 is scheduled for March 14, 2022. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 78 South Atlantic Spanish Mackerel Assessment Webinar 5 has been scheduled for March 14, 2022, from 12 p.m. until 3 p.m. Eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at *Kathleen.Howington@safmc.net.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Kathleen Howington, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4371; email: *Kathleen.Howington@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the SEDAR 78 South Atlantic Spanish Mackerel Assessment Webinar 5 are as follows: Finalize any data issues as needed. Finish the discussion on base model configuration and discuss proposed changes to the model, sensitivity runs, and projections. Finalize base model configuration.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice 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

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 17, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–03809 Filed 2–22–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB825]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Ecosystem-Based Fishery Management Technical Advisory Panel (EBFM TAP) will hold a two-day hybrid meeting to address the items on the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The EBFM TAP hybrid meeting will be held on Wednesday, March 16, 2022, from 9 a.m. to 5 p.m., and Thursday, March 17, 2022, from 9 a.m. to 5 p.m. The meeting will be at Eastern Standard Time.

ADDRESSES: You may join the EBFM TAP hybrid meeting via Zoom from a computer, tablet or smartphone by entering the following address:

Join Zoom Meeting: *https://us02web.zoom.us/j/88529577669?pwd=cCs0K3lKNGplb0pWYUhkRFM3c3p0dz09*
Meeting ID: 885 2957 7669
Passcode: 880869
One tap mobile:
+13462487799,,88529577669#,,,,
*880869# US (Houston)
+16465588656,,88529577669#,,,,
*880869# US (New York)
Dial by your location:
+1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 787 945 1488 Puerto Rico
+1 787 966 7727 Puerto Rico
+1 939 945 0244 Puerto Rico
Meeting ID: 885 2957 7669
Passcode: 880869
Find your local number: *https://us02web.zoom.us/u/kcY1Z6Jpqa*

In case there are problems and we cannot reconnect via Zoom, the meeting will continue using GoToMeeting:

Please join the meeting from your computer, tablet or smartphone. *https://meet.goto.com/307547125*
You can also dial in using your phone.
United States: +1 (646) 749–3122
Access Code: 307–547–125
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or *inroomlink.goto.com*
Meeting ID: 307 547 125
Or dial directly: 307547125@67.217.95.2 or 67.217.95.2##307547125
Get the app now and be ready when your first meeting starts: https://meet.goto.com/install

FOR FURTHER INFORMATION CONTACT: Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 403–8337.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

March 16, 2022

9 a.m.–9:30 a.m.

—Roll Call
—Adoption of Agenda
—Approval of Minutes
—TAP Chair Introduction–Sennai Habtes

9:30 a.m.–12:15 p.m.

—Ecosystem Components On-Going Work

9:30 a.m.–10:30 a.m.

—Smithsonian Mangrove Project US Caribbean—Susan Kotikot, Steven Canty

10:30 a.m.–10:40 a.m.

—Break

10:40 a.m.–11:15 a.m.

—Mellivora Consulting Conceptual Models—Michelle Duval

11:15 a.m.–11:45 a.m.

—Introduction of NOAA-Fisheries SEFSC Caribbean Branch Staff (Strategic Plan)
—Southeast Fishery Science Center (SEFSC) Inventory Update—Kevin McCarthy and Rachel Eckley

11:45 a.m.–12:15 p.m.

—SEDAR-Stock Assessment Matrix—Kevin McCarthy, SEFSC

12:15 p.m.–1:15 p.m.

—Lunch Break

1:15 p.m.–1:45 p.m.

—Net Gain Alliance—Improve Data for Fisheries Data Needs: Digital Modernization Project -(*https://www.netgainsalliance.org/*)

1:45 p.m.–2:05 p.m.

—EBFM Workshop Summary—Tauna Rankin (EBFM Working Group's Workshop on Ecosystem Status Report Applications)

2:05 p.m.–2:20 p.m.

—CFMC's Outreach and Education Advisory Panel Update: Public Engagement—Alida Ortíz

2:20 p.m.–2:30 p.m.

—Break

2:30 p.m.–5 p.m.

—Fishery Ecosystem Plan (FEP) Product Development

2:30 p.m.–3:15 p.m.

—Integrative analyses and visualization of SEAMAP-Caribbean (SEAMAP–C) data in Puerto Rico and the US Virgin Islands (aka The Gold Copy)—JJ Cruz Motta

3:15 p.m.–4 p.m.

—Ecosystem Status Report: Ecosystem Indicators—Kelly Montenero, Mandy Karnauskas, SEFSC

4 p.m.–5 p.m.

—Sargasso Mapping—William Hernández/Roy Armstrong
—Sargasso Impacts on Plankton and Hypoxia—Áurea Rodríguez, Ernesto Otero
—CARICOOS Science: Oceanography and Biology—Julio Morell

March 17, 2022

9 a.m.–12:30 p.m.

—Fishery Ecosystem Plan Product Development (Continue)
—Status of Lenfest Conceptual Models—Tarsila Seara
—Scientific and Statistical Committee (SSC)-District Advisory Panels (DAPs) Models —Liajay Rivera, Richard Appeldoorn
—Plan to Meld Conceptual Models—Potentially Create Task Force—Orian Tzadik
—Risk Assessment and Ecosystem Indicators—Tauna Rankin, JJ Mota, Richard Appeldoorn.
—Future Fishery Ecosystem Plan Product Development Discussion (Goals and Objectives-CFMC)
—How to Develop Strategic Objectives
—Outreach to Other Territorial and Federal Agencies About Impacts to Marine Environment that Affects EBFM
—Lenfest Stakeholder Involvement Project
—How to Develop Operational Objectives
—Overall FEP Outline (Review)

12:30 p.m.–1:30 p.m.

—Lunch Break

1:30 p.m.–5 p.m.

—Other Themes for Discussion
—Status of Data Repository/Needs—Day 1 (Lenfest-Stacey Williams; SEAMAP–C JJ Cruz Motta; other data sets—Orian Tzadik)
—SEFSC Caribbean Branch Data Set Update—Kevin McCarthy
—Legislative Update—Atlas (Marine Protected Areas, Area Based Management)
—Other EBFM Project Incorporation—Sennai Habtes and Kevin McCarthy

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on March 16, 2022, at 9 a.m. EST, and will end on March 17, 2022 at 5 p.m. EST. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated, at the discretion of the Chair.

Special Accommodations

For any additional information on this hybrid meeting, please contact Dr. Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903; telephone: (787) 403–8337.

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

Dated: February 17, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–03810 Filed 2–22–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB736]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of a Proposed Evaluation and Pending Determination and a draft Environmental Assessment; request for comments.

SUMMARY: Notice is hereby given that the Hoopa Valley Tribe has provided a Tribal Resource Management Plan (TRMP) to NMFS pursuant to the limitation on take prohibitions for actions conducted under Tribal Plans promulgated under the Endangered Species Act (ESA). The TRMP specifies harvest, research, and monitoring activities for tribal fisheries affecting ESA-listed Southern Oregon/Northern California Coast coho salmon in the portion of the Trinity River within the Hoopa Valley Reservation. NMFS has prepared a Proposed Evaluation and Pending Determination (PEPD) as to whether implementation of the TRMP will appreciably reduce the likelihood of survival and recovery of ESA-listed salmon and steelhead and an Environmental Assessment (EA) on the NMFS determination. Notice is hereby given that the PEPD and EA are available for public review and comment prior to NMFS making a final determination.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on March 25, 2022. Comments received after this date may not be accepted.

ADDRESSES: Comments may be submitted by email. The mailbox address for providing email comments is: *salmon.harvest.comments@noaa.gov.* In the subject line of the email, include the following identifier: ''Comments on Hoopa Tribal Fisheries Determination.'' The documents available for public comment can be found at: *https://www.fisheries.noaa.gov/action/tribal-resource-management-plan-trmp-hoopa-valley-tribe.*

FOR FURTHER INFORMATION CONTACT: Anthony Siniscal at 971–322–8407, or via email: *Anthony.Siniscal@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA Listed Species Covered in This Notice

Southern Oregon/Northern California Coast Coho salmon (*Oncorhynchus kisutch*): Threatened, naturally produced, and artificially propagated.

Background

The proposed TRMP provides a framework through which Tribal salmon fisheries can be implemented while meeting requirements specified under the ESA. Activities described in the plan include fisheries for coho salmon in the Trinity River. The TRMP describes the proposed fisheries, limits for harvest, and monitoring and evaluation associated with the fisheries. The management objective is for the Tribe to conduct fisheries in a manner that does not appreciably reduce the likelihood of survival and recovery of ESA-listed coho salmon.

The Hoopa Valley Tribe submitted a TRMP for review under the ESA Tribal 4(d) Rule. Under section 4 of the ESA, the Secretary of Commerce (Secretary) is required to adopt such regulations as deemed necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (50 CFR 223.203; 65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and thus are exempted from the ESA Section 9 take prohibitions. The ESA Tribal 4(d) Rule (50 CFR 223.204; 65 FR 42481, July 10, 2000) states that the take prohibitions of ESA Section 9 will not apply to Tribal Plans provided that the Secretary has determined that the Tribal Plan will not appreciably reduce the likelihood of survival and recovery for the listed species (50 CFR 223.204(a)). Prior to making a final determination on Tribal Plans, NMFS must take comments on its pending determination as to whether or not implementation of the plan will appreciably reduce the likelihood of survival and recovery of ESA-listed salmonids (50 CFR 223.204(b)(3)).

(Authority: 16 U.S.C. 1531 *et seq.;* 16 U.S.C. 742a *et seq.*)

Dated: February 17, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03834 Filed 2–22–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB823]

Pacific Bluefin Tuna United States Stakeholder Meeting; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting to discuss a Pacific bluefin tuna (PBF) long-term harvest strategy. This meeting is intended to prepare for potential discussions at the 2022 meeting of the Joint Inter-American Tropical Tuna Commission (IATTC)—Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee (NC) Working Group on a long-term harvest strategy for PBF fisheries across the Pacific Ocean. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The virtual meeting will be held on April 1, 2022, from 12 p.m. to 4 p.m. PST (or until business is concluded). You must complete the registration process by March 23, 2022, if you plan to attend the meeting (see **ADDRESSES**). Members of the public may submit written comments on meeting topics or materials to Celia Barroso at *celia.barroso@noaa.gov* by March 23, 2022, and may also provide oral comments during the virtual meeting.

ADDRESSES: If you plan to attend the meeting, which will be held by webinar, please register at *https://forms.gle/qQZzdp6LVXn2K9KD6.* Instructions for attending the meeting will be emailed to meeting participants before the meeting occurs.

FOR FURTHER INFORMATION CONTACT: Celia Barroso, NMFS West Coast Region at *celia.barroso@noaa.gov,* 562–432–1850.

SUPPLEMENTARY INFORMATION: During the 6th Meeting of the Joint IATTC–WCPFC NC Working Group (JWG) meeting (July 27–29, 2021, Japan Time), the International Scientific Committee on Tuna and Tuna-like Species in the North Pacific Ocean (ISC) recommended that, in order to proceed with the development of a long-term harvest strategy for PBF, the JWG consider management objectives and metrics by which to measure whether a proposed harvest strategy will meet those management objectives. This April 1 meeting is to prepare for anticipated discussions at the 2022 meeting of the JWG regarding the process and information needed to evaluate the effectiveness of potential harvest strategies.

PBF U.S. Stakeholder Meeting Topic

The agenda for this meeting will be distributed to participants in advance of the meeting. The meeting agenda will include a discussion on management objectives and metrics to measure how potential future harvest strategies for PBF meet those objectives.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be indicated when registering for the meeting (see **ADDRESSES**) by March 23, 2022.

(Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* and 16 U.S.C. 6901 *et seq.*)

Dated: February 17, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03853 Filed 2–22–22; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection Numbers 3038–0068, 3038–0083, and 3038–0088: Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''CFTC'' or ''Commission'') is announcing an opportunity for public comment on the proposed renewal of three collections of certain information by the agency. Under the Paperwork Reduction Act (''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. This notice solicits comments on the collections of information mandated by certain Commission regulations (Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants).

DATES: Comments must be submitted on or before April 25, 2022.

ADDRESSES: You may submit comments, identified by ''Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants,'' and Collection Numbers 3038–0068, 3038–0083, and 3038–0088 by any of the following methods:

- The Agency's website, at *https://comments.cftc.gov/*. Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as ''Mail'' above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Benjamin DeMaria, Special Counsel, Market Participants Division, Commodity Futures Trading Commission at (202) 418–5988 or *bdemaria@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 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 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, the CFTC is publishing

notice of the proposed collections of information—treated as a consolidated collection—listed below.[1]

Title: Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants (OMB Control Nos. 3038–0068, 3038–0083, 3038–0088).[2] This is a request for an extension of currently approved information collections.

Abstract: On September 11, 2012 the Commission adopted Commission Regulations 23.500–23.505 (Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants) [3] under sections 4s(f), (g) and (i) [4] of the Commodity Exchange Act (''CEA''). Commission regulations 23.500–23.505 require, among other things, that swap dealers (''SDs'') [5] and major swap participants (''MSPs'') [6] develop and retain written swap trading relationship documentation. The regulations also establish requirements for SDs and MSPs regarding swap confirmation, portfolio reconciliation, and portfolio compression. Under the regulations, SDs and MSPs are obligated to maintain records of the policies and procedures required by the rules.[7]

Confirmation, portfolio reconciliation, and portfolio compression are important post-trade processing mechanisms for reducing risk and improving operational efficiency. The information collection obligations imposed by the regulations are necessary to ensure that each SD and MSP maintains the required records of their business activities and an audit trail sufficient to conduct comprehensive and accurate trade reconstruction. The information collections contained in the regulations are also essential to ensuring that SDs and MSPs document their swaps, reconcile their swap portfolios to resolve discrepancies and disputes, and wholly or partially terminate some or all of their outstanding swaps through regular portfolio compression exercises. The collections of information are mandatory.

With respect to the collections of information, the CFTC invites comments on:

- Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burdens of the proposed collections of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burdens of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[8]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, for reasons such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The Commission is revising its estimate of the burdens for the collections to reflect the current number of respondents and estimated burden hours. The respondent burdens for the collections are estimated to be as follows:

- OMB Control No. 3038–0068 (Confirmation, Portfolio Reconciliation, and Portfolio Compression Requirements for Swap Dealers and Major Swap Participants).

Number of Registrants: 107.

Estimated Average Burden Hours per Registrant: 1,274.5.

Estimated Aggregate Burden Hours: 136,371.5.

Frequency of Recordkeeping: As applicable.

- OMB Control No. 3038–0083 (Orderly Liquidation Termination Provision in Swap Trading Relationship Documentation for Swap Dealers and Major Swap Participants).

Number of Registrants: 107.

Estimated Average Burden Hours per Registrant: 270.

Estimated Aggregate Burden Hours: 28,890.

Frequency of Recordkeeping: As applicable.

- OMB Control No. 3038–0088 (Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants).

Number of Registrants: 107.

Estimated Average Burden Hours per Registrant: 6284.

Estimated Aggregate Burden Hours: 672,388.

Frequency of Recordkeeping: As applicable.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: February 17, 2022.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2022–03829 Filed 2–22–22; 8:45 am]

BILLING CODE 6351–01–P

[1] 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 conrol number. *See* 46 FR 63035 (Dec. 30, 1981).

[2] Historically, PRA Collections 3038–0068, 3038–0083, and 3038–0088 were renewed as a consolidated collection. *See* 82 FR 6241 (Feb. 5, 2016). However, on April 1, 2019, the CFTC published an interim final rule (''IFR''), which allowed uncleared swaps to retain legacy status when transferred in connection with what was, at the time, a potential no-deal Brexit. *See* 84 FR 12065 (Apr. 1, 2019). As the IFR only affected the burdens calculations in PRA collection 3038–0088, collection 3038–0088 was considered separately from collections 3038–0068 and 3038–0083 for purposes of incorporating the burdens related to the IFR. *Id.* Since there is no need now to separate collection 3038–0088 for purposes of renewing these three collections, this proposed renewal once again will treat PRA collections 3038–0068, 3038–0083, and 3038–0088 as a consolidated collection.

[3] 17 CFR 23.500–23.505.

[4] 7 U.S.C. 6s(f), (g) & (i).

[5] For the definition of SD, *see* Section 1a(49) of the CEA and Commission regulation 1.3; 7 U.S.C. 1a(49) and 17 CFR 1.3.

[6] For the definitions of MSP, *see* Section 1a(33) of the CEA and Commission regulation 1.3; 7 U.S.C. 1a(33) and 17 CFR 1.3.

[7] SDs and MSPs are required to maintain all records of policies and procedures in accordance with Commission regulations 23.203 and, by extension, 1.31, including policies, procedures, and models used for eligible master netting agreements and custody agreements that prohibit custodian of margin from re-hypothecating, repledging, reusing, or otherwise transferring the funds held by the custodian. *See* 17 CFR 1.31 and 23.203.

[8] 17 CFR 145.9.

COUNCIL ON ENVIRONMENTAL QUALITY

[CEQ–2022–0002]

Climate and Economic Justice Screening Tool Beta Version

AGENCY: Council on Environmental Quality.

ACTION: Request for information.

SUMMARY: The Council on Environmental Quality is issuing this

request for information (RFI) to solicit feedback on the beta version of the Climate and Economic Justice Screening Tool.

DATES: Responses to this RFI should be received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number CEQ–2022–0002, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–456–6546.
- *Mail:* Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503.

All submissions received must include the agency name, ''Council on Environmental Quality,'' and the docket number, CEQ–2022–0002, for this RFI. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Do not submit electronically any information you consider to be private, Confidential Business Information (CBI), or other information the disclosure of which is restricted by statute.

You may respond to some or all of the questions listed in the RFI. You may include references to academic literature or links to online material (such as datasets) but please ensure all links are publicly available. Each response should include:

- The name of the individual(s) or entity responding.
- A brief description of the responding individual(s) or entity's mission or areas of expertise.
- A contact for questions or other follow-up on your response.

FOR FURTHER INFORMATION CONTACT: Issues regarding submission or questions on this RFI can be sent to Sharmila L. Murthy at 202–395–5750 or *Sharmila.L.Murthy@ceq.eop.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad,'' charged the Council on Environmental Quality (CEQ) with creating a geospatial Climate and Economic Justice Screening Tool and publishing interactive maps highlighting disadvantaged communities that are marginalized, underserved, and overburdened by pollution. Federal agencies will use the tool in implementation of the Justice40 Initiative goal of directing 40 percent of the overall benefits of certain Federal investments to disadvantaged communities in climate, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, clean water infrastructure, and the remediation of legacy pollution. The function of the tool is to employ indicators for the purpose of identifying communities that exhibit conditions of underinvestment in energy, transit, housing and water infrastructure, disproportionate pollution burden, and job training and employment. Agencies will use the tool to guide program investments in the areas noted above under the Justice40 Initiative.

CEQ has developed a beta version of the Climate and Economic Justice Screening Tool, which is available at *https://screeningtool.geoplatform.gov.* Under the current methodology (v0.1) in the Climate and Economic Justice Screening Tool, a census tract will be considered disadvantaged if (1) it is above the threshold for one or more climate or environmental indicator; and (2) it is above the threshold for one or more socioeconomic indicator. The methodology and the datasets currently being used are available at *https://screeningtool.geoplatform.gov/en/methodology.*

II. Key Questions for Input

Through this request for information, CEQ seeks input, information, and recommendations on the beta version of the Climate and Economic Justice Screening Tool from a broad array of stakeholders in the public, private, advocacy, not-for-profit, academic, and philanthropic sectors, as well as from state, Tribal, and local governments, and territorial areas. In addition, users have the opportunity to provide feedback through an online survey available at *https://www.surveymonkey.com/r/cejst-survey.* CEQ will use responses to this RFI and comments received through the online survey to consider potential updates to the beta version of the Climate and Economic Justice Screening Tool. After CEQ has updated the tool with any modifications that are deemed necessary, Federal agencies will use the Climate and Economic Justice Screening Tool to implement the President's Justice40 commitment.[1]

Respondents to this RFI do not need to address every question, but CEQ seeks and welcomes input in the following areas:

1. *Methodology:* Please refer to the Climate and Economic Justice Screening Tool website for more information regarding the methodology (available at *https://screeningtool.geoplatform.gov/en/methodology*).

a. Given the function and role of the Climate and Economic Justice Screening Tool in identifying disadvantaged communities to support the Justice40 Initiative, please provide comments and recommendations for improving the methodology used to identify disadvantaged communities.

b. Recognizing the role of the tool in identifying disadvantaged communities for Justice40 investment benefits across agencies and programs, how can the tool's methodology incorporate a cumulative impacts approach that quantitatively measures the combined adverse factors that contribute to the conditions that Justice40 is intending to address?

2. *Datasets:* Data in this beta version of the tool provides measures for socioeconomic status and in the areas of climate, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, clean water infrastructure, and the remediation of legacy pollution.

a. What recommendations for additional datasets would enhance and improve upon the set of indicators currently used in the Climate and Economic Justice Screening Tool? In your comments, please include why and how the data recommendations would improve upon the current set of data and/or indicators used in the tool.

b. In your response, please include the following:

i. Full information regarding data sources (including url, government agency, and/or organization);

ii. Intended measure—what does the dataset and/or indicator measure (for example, pollution exposure or emissions, health conditions, energy accessibility, transportation access, etc.)?;

iii. Scope—does the recommended data and/or indicator include data from all 50 states and territories? If not, please provide comments as to how to address the issue;

iv. A summary of the quality (*i.e.,* completeness, accuracy, consistency, and reliability) of the data for use in the tool; and

v. Geographic resolution of the data (*i.e.,* census block, census tract, zip code, county, etc.).

3. *Map Usability and Accessibility.* The Climate and Economic Justice Screening Tool map (available at *https://screeningtool.geoplatform.gov*)

[1] When the updated Climate and Economic Justice Screening Tool is ready to be used by agencies in their Justice40 implementation plans, CEQ, OMB and CPO will together issue updated guidance. Currently, the Interim Implementation Guidance for the Justice40 Initiative, M–21–28, issued on July 20, 2021, is still in effect. *See https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.*

provides an online geospatial platform that provides the user with the capability to identify the communities identified as disadvantaged by the Climate and Economic Justice Screening Tool methodology. We are soliciting information regarding usability and accessibility of the geospatial platform. Please provide recommendations on the following:

a. What modifications can improve the usability, accessibility, or design of the mapping functions that display the data and results of the Climate and Economic Justice Screening Tool?

b. Are there specific features or functions that will enhance the usability of the interactive map by community members and organizations, government staff, and other stakeholders?

4. *Additional Feedback:* What additional feedback would you like to provide on the beta version of the Climate and Economic Justice Screening Tool?

Brenda Mallory,

Chair.

[FR Doc. 2022–03920 Filed 2–22–22; 8:45 am]

BILLING CODE 3325–F2–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2022–HQ–0004]

Proposed Collection; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Research Institute, Building 90, 851 McClellan Ave., Fort Leavenworth, Kansas 66027, ATTN: Dr. Michele A. Calton, or call 913–684–9792.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Inclusion Policy Practice Decoupling Phase II; OMB Control Number 0702–0151.

Needs and Uses: This information collection requirement is necessary to evaluate the statistical validity of a scientific model and associated measurement instrument. The model and instrument could be used by the Army for deeper understanding of how to improve inclusion policies and practices. Once all data collection is complete, the data will be analyzed to test hypotheses regarding our scientific and practical understanding of the relationships between diversity, inclusion, and organizational outcomes. Specifically, what are the relationships between alignment (or misalignment/decoupling) of inclusion policies and practices, diversity, and organizational outcomes; does alignment of inclusion policies and practices mediate organizational outcomes expected from diversity? This examination is the first of its kind and will contribute to the scientific understanding of inclusivity.

Affected Public: Individuals or households.

Annual Burden Hours: 1,500.

Number of Respondents: 2,000.

Responses per Respondent: 1.

Annual Responses: 2,000.

Average Burden per Response: 45 minutes.

Frequency: Once.

Dated: February 18, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03933 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0022]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Research and Engineering announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public

viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Grants Policy Manager, 4800 Mark Center Drive, Alexandria, VA 22311 ATTN: Mr. Jason Day, or call (571) 372–6413.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Research Progress Production Report; OMB Control Number 0704–0527.

Needs and Uses: The information collection requirement is necessary to: (a) Monitor Federal awards and ensure compliance with applicable terms and conditions of award regulations, policies, and procedures; (b) evaluate progress/completion in accordance with goals, aims, and objectives set forth in competing applications and to determine if the grantee satisfactorily met the objectives of the program; (c) evaluate grantee plans for the next budget period and any significant changes; (d) manage scientific programs; (e) plan future scientific initiatives; (f) determine funding for the next budget segment; (g) identify any publications, inventions, property disposition, and other required elements to close out the grant in a timely manner; and (f) complete reports to Congress, the public, and other Federal agencies.

Affected Public: Business or other for-profit; not-for-profit institutions; and state, local, or tribal government.

Annual Burden Hours: 24,000.

Number of Respondents: 2,000.

Responses per Respondent: 2.

Annual Responses: 4,000.

Average Burden per Response: 6 hours.

Frequency: Semi-annually.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03749 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0024]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Record of Emergency Data; DD Form 93; OMB Control Number 0704–ROED.

Needs and Uses: The DD Form 93 is used by Service members to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of the member's pay and allowances if captured, missing or interned. It also shows the names and addresses of the person(s) the Service member desires to be notified in case of emergency or death, and designates the person authorized to direct disposition of the Service member's remains upon death. For civilian personnel, it is used to expedite the notification process in the event of an emergency and/or the death of the member. This requirement is identified in DoDI 1300.18, ''Department of Defense Personnel Casualty Matters, Policies, and Procedures.'' The goal is to retain decisions by service members and deploying contractors relating to persons to be notified in the event of illness, injury, missing status, or death and to capture decisions as it relates to the provision of benefits and designation of a person authorized to direct disposition of their remains upon death. Support staff are able to direct benefits and decisional briefings to those designated as beneficiaries and decision makers as designated by the Service member or deploying contractor.

Affected Public: Individuals or households.

Annual Burden Hours: 144,918 hours.

Number of Respondents: 1,739,012.

Responses per Respondent: 1.

Annual Responses: 1,739,012.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03747 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2021–OS–0023]

Proposed Collection; Comment Request

AGENCY: The Office of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the

Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571–372–2089.

SUPPLEMENTARY INFORMATION: The vaccination requirement issued pursuant to Executive Order (E.O.) 14043, is currently the subject of a nationwide injunction. While that injunction remains in place, the DoD will not process requests for a medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043. DoD will also not request the submission of any medical information related to a request for an exception from the vaccination requirement pursuant to E.O. 14043 while the injunction remains in place. But DoD may nevertheless receive information regarding a medical exception. That is because, if DoD were to receive a request for an exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 during the pendency of the injunction, DoD will accept the request, hold it in abeyance, and notify the employee who submitted the request that implementation and enforcement of the COVID–19 vaccination requirement pursuant to E.O. 14043 is currently enjoined and that an exception therefore is not necessary so long as the injunction is in place. In other words, during the pendency of the injunction, any information collection related to requests for medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 is not undertaken to implement or enforce the COVID–19 vaccination requirement.

Title; Associated Form; and OMB Number: Request for a Medical Exemption or Delay to the COVID–19 Vaccination Requirement; DD Form 3176; OMB Control Number 0704–0619.

Needs and Uses: Consistent with E.O. 14043, of September 9, 2021, ''Requiring Coronavirus Disease 2019 Vaccination for Federal Employees'', and included within the Safer Federal Workforce Task Force Guidance mandating all Federal employees be vaccinated by November 22, 2021, the DoD has established specific safety protocols for individuals fully vaccinated and not fully vaccinated against COVID–19. Individuals who are not fully vaccinated against COVID–19 by November 22, 2021, or who choose not to provide this information will be required to comply with applicable OMB. DoD is seeking approval of DD Form 3176, ''Request for a Medical Exemption or Delay to the COVID–19 Vaccination Requirement,'' which will be completed by employees who seek a medical exemption. The DD Form 3176 will be used by DoD staff and provided to employees to ensure they submit adequate information to support the exemption request. This form will also ensure the information collected is consistent among the components and minimize the need to seek additional evidence. Rendered decisions should be in accordance with guidelines established by the Safer Federal Workforce Task Force Guidance.

Affected Public: Individuals or households.

Annual Burden Hours: 15,000 hours.

Number of Respondents: 180,000.

Responses per Respondent: 1.

Annual Responses: 180,000.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03782 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2022–OS–0021]

Proposed Collection; Comment Request

AGENCY: Washington Headquarter Services (WHS), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Washington Headquarter Services announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the United States of America Vietnam War Commemoration, 241 18th St. S, Suite 101, Arlington, VA 22202, MSgt. Christopher Villanueva, or call 703–697–4893.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Vietnam War Commemoration Program Partner Events; DD Form 2953, DD Form 2954, DD Form 3027, DD Form 3028, DD Form 3029; OMB Control Number 0704–0500.

Needs and Uses: This information collection requirement is necessary to notify the United States of America Vietnam War Commemoration Program of Commemorative Partner's planned events. Information is submitted for inclusion on the program's events calendar and to request event support in the form of materials and/or speakers from the program. The information collection is necessary to obtain, vet, record, process and provide Certificates of Honor to be presented on behalf of a grateful nation by partner organizations. Additionally, this collection is necessary for the partner organizations to communicate to the Commemoration program the results of their events and lessons learned.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; Federal Government; State, local or tribal government, or, by exception, eligible individuals or households.

Annual Burden Hours: 7,505.

Number of Respondents: 16,020.

Responses per Respondent: 1.87.

Annual Responses: 30,020.

Average Burden per Response: 15 minutes.

Frequency: On Occasion.

Respondents are representatives of commemorative partner organizations or immediate family members of veterans listed on the Vietnam Veterans Memorial in Washington, DC or, by exception, individuals, acting on behalf of eligible family members of American military personnel who are listed as missing and unaccounted for from the Vietnam War by the Department of Defense. Burden is reported as an annual average; not every respondent will complete all five (5) forms.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03746 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2022–HQ–0006]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Marine Corps (USMC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Branch Head, Food, Lodging, and Commercial Recreation, Business and Support Services Division (MR), Headquarters, U.S. Marine Corps, 3044 Catlin Avenue, Quantico, VA 22134–5099, ATTN: Mr. James Willson-Quayle, or call 703–784–3811.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Control Number: Marine Corps Community Services Lodging Guest Registration; OMB Control Number 0703–0072.

Needs and Uses: The information collection requirement is necessary to keep a record of Marine Corps Community Services' (MCCS) lodging reservations to ensure orderly room assignment and avoid improper booking; to record registration and payment of accounts; to verify proper usage by eligible patrons; for cash control; to gather occupancy data; to determine occupancy breakdown; to account for rentals and furnishings; and to collect data for customer satisfaction and marketing. Patrons are required to present appropriate identification to determine their eligibility to access MCCS lodging's facilities and services.

Affected Public: Individual or Households.

MCCS Point-of-Sale System

Annual Burden Hours: 2,500.

Number of Respondents: 15,000.

Responses per Respondent: 1.

Annual Responses: 15,000.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

MCCS Customer Service Feedback Survey

Annual Burden Hours: 82.5.

Number of Respondents: 1,650.

Responses per Respondent: 1.

Annual Responses: 1,650.

Average Burden per Response: 3 minutes.

Frequency: On occasion.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03827 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2022–HQ–0004]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Commander, Navy Installation Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Commander, Navy Installations Command, 716 Sicard Street SE, Suite 1000, Washington Navy Yard, Washington, DC 20374–5140, ATTN: Mr. Abdul-Hakim Anbiya, or call 202–433–3500.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Navy Family Ombudsman Program; OMB Control Number 0703–0070.

Needs and Uses: The information collection requirement is necessary to identify all Navy ombudsmen; provide them with program information; communicate during natural disasters and crisis; collect program contact numbers and workload data; and maintain records of program training received. Numbers provided from the collection help identify the issues and concern of the families, trends during deployment and identify training which may be beneficial to the command families.

Affected Public: Individuals or households.

Annual Burden Hours: 2,250.

Number of Respondents: 4,500.

Responses per Respondent: 1.

Annual Responses: 4,500.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Respondents are the spouses of active duty members of the command or selected reserves of the command. They may also be the parent or family member of a single service member or retired service members of the command that meet certain requirements. The information obtained from the worksheets assists Commander, Navy Installations Command in identifying resources and/or trainings to assist ombudsmen in supporting and maintaining family readiness, which enables commands to focus on mission readiness. Statistics provided from collection show commanding officers the issues and concerns of command families, trends during deployment versus non-deployment periods, and training which may be beneficial to the command and families. The worksheet information shows Navy leadership the cost avoidance benefit to the Navy for having ombudsmen perform the types of services that they deliver.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03745 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2022–HQ–0005]

Proposed Collection; Comment Request

AGENCY: Department of the Navy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Marine Corps (USMC) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's 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 through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2022.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Business and Support Services Division, Headquarters, United States Marine Corps, 3044 Catlin Avenue, ATTN: Mr. James Willson-Quayle, or call 703–432–0440.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB number:* Non-Appropriated Fund Human Resource Management System; OMB Control Number 0703–0071.

Needs and Uses: Respondents are applicants who are responding to an MCCS (Marine Corps Community Service) job posting on the MCCS Civilian Careers website, accessible at *www.usmc-mccs.org/*careers. The application delivers a systematic process which guides the applicants in completing and submitting it through the MCCS Civilian Careers website. Applicants are then able to log into their accounts and view their profile, track the status of their current application, and apply for future job postings. Maintaining the information collection in the Non-Appropriated Fund Human Resource Management System (NAF HRMS) enables MCCS to successfully manage and administer an effective and efficient recruiting and hiring process. In addition, the NAF HRMS capabilities streamline the employment application process, reduce processing and recruiter response times, and decrease the need for applicant calls and inquiries, thereby improving the applicant's experience.

Affected Public: Business or other for-profit; individuals or households.

Annual Burden Hours: 38,933.

Number of Respondents: 77,866.

Responses per Respondent: 1.

Annual Responses: 77,866.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Dated: February 16, 2022.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022–03825 Filed 2–22–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, Department of Education.

ACTION: Notice of open and closed hybrid meetings.

SUMMARY: This notice sets forth the agenda for the National Assessment Governing Board (hereafter referred to as Governing Board) meeting scheduled for March 3–4, 2022. This notice provides information about the meeting to members of the public who may be interested in attending and/or providing written comments related to the work of the Governing Board. Notice of this meeting is required under the Federal Advisory Committee Act (FACA). This notice is being published less than 15 days prior to the meeting due to an unforeseeable delay in finalizing the meeting agenda. The Governing Board was awaiting a decision on the release of a report by the National Academies which was scheduled to be discussed by the Governing Board at this quarterly meeting. However, release of the report is now delayed, and this agenda topic is now postponed to a future meeting of the Governing Board.

ADDRESSES: Hybrid meetings; virtual meeting attendance for open sessions of the Board meeting will be available to members of the public who pre-register in accordance with the instructions in the ''Supplementary Information'' section of this notice. In-person attendance is limited to Governing Board members and staff. The meeting for Governing Board members and staff will be held at Convene DC, 600 14th Street NW, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer/Designated Federal Official for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357–6906, fax: (202) 357–6945, email: *Munira.Mwalimu@ed.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority and Function: The Governing Board is established under the National Assessment of Educational Progress Authorization Act, Title III of Public Law 107–279. Information on the Governing Board and its work can be found at *www.nagb.gov.*

The Governing Board formulates policy for the National Assessment of Educational Progress (NAEP) administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include: (1) Selecting subject areas to be assessed; (2) developing assessment frameworks and specifications; (3) developing appropriate student achievement levels for each grade and subject tested; (4) developing standards and procedures for interstate and national comparisons; (5) improving the form and use of NAEP; (6) developing guidelines for reporting and disseminating results; and (7) releasing initial NAEP results to the public.

Standing Committee Meetings

The Governing Board's standing committees will meet to conduct regularly scheduled work planned for this Quarterly Board Meeting and any items undertaken by committees for consideration by the full Governing Board. (Please see committee meeting minutes for previous meetings, available at *https://www.nagb.gov/governing-board/quarterly-board-meetings.html).* Committee meeting agendas will be posted on the Governing Board's website *www.nagb.gov* five business days prior to the meetings. Online registration for virtual access to the open sessions of the Governing Board and committee meetings will also be posted at *www.nagb.gov* five working days prior to each meeting.

Committee Meetings

Wednesday, February 23, 2022

Reporting and Dissemination Committee (R&D)
1:00 p.m.–2:30 p.m. (Open Session)

Monday, February 28, 2022

Assessment Development Committee (ADC)
2:30 p.m.–4:00 p.m. (Closed Session)
4:00 p.m.–4:30 p.m. (Open Session)

Monday, February 28, 2022

Nominations Committee
5:30 p.m.–6:30 p.m. (Closed Session)

Thursday, March 3, 2022

Executive Committee Meeting
10:00 a.m.–10:30 a.m.: (Open Session)
10:30 a.m.–11:30 a.m.: (Closed Session)

Tuesday, March 8, 2022

Joint ADC and R&D Meeting
2:30 p.m.–4:30 p.m. (Open Session)

Tuesday, March 15, 2022

Committee on Standards, Design and Methodology
2:00 p.m.–2:40 p.m. (Closed Session)
2:45 p.m.–4:00 p.m. (Open Session)

Quarterly Governing Board Meeting

The plenary sessions of the March 3–4, 2022 quarterly meeting of the Governing Board will be held on the following dates and times:

Thursday, March 3, 2022: Open Meeting: 11:45 p.m.–3:15 p.m.; Closed Meeting: 3:25 p.m.–3:50 p.m.; Open Meeting: 3:55 p.m.–4:00 p.m.

Friday, March 4, 2022: Closed Meeting: 9:30 a.m.–11:00 a.m.; Open Meeting: 12:30 p.m.–3:30 p.m.

March 3, 2022 Meeting

On Thursday, March 3, 2022, the Governing Board will meet in open session from 11:45 a.m. to 3:15 p.m. From 11:45 a.m. to 12:00 p.m. Chair Beverly Perdue will welcome members, review, and approve the March 3–4, 2022 quarterly Governing Board meeting agenda and minutes from the November

18–19, 2021 quarterly Governing Board meeting.

Thereafter, from 12:00 p.m. to 12:30 p.m. Lesley Muldoon, Executive Director of the Governing Board, will update members on ongoing work. From 12:30 p.m. to 2:00 p.m., Peggy Carr, Commissioner, National Center for Education Statistics, will provide an update on the NAEP 2022 Administration. From 2:15 p.m. to 2:45 p.m. committee chairs will provide an update on the standing committees' work. From 2:45 to 3:15 p.m. the Governing Board will discuss and take action on the Governing Board Policy on Developing NAEP Assessment Frameworks.

Following a 15 minute break, the Governing Board will meet in closed session from 3:25 p.m. to 3:50 p.m. to receive a briefing from the Nominations Committee on its recommendations for candidates to fill board vacancies. The Governing Board will review the recommendations for the final slate of candidates for submission to the Secretary of Education for appointments that begin October 1, 2022. These discussions pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of § 552b(c) of Title 5 of the United States Code. The Governing Board will take a short break to transition to the open session from 3:55 p.m. to 4:00 p.m. in order to take action on the 2022 Slate of Governing Board Nominees.

The March 3, 2022 session of the Board meeting will adjourn at 4:00 p.m.

March 4, 2022 Meeting

On Friday, March 4, 2022, the Governing Board meeting will convene in closed session from 9:30 a.m. to 11:00 a.m. to receive a briefing from Lesley Muldoon and Peggy Carr, Commissioner of NCES on the NAEP Budget and Assessment Schedule. The budget briefing and Governing Board discussions may affect current and future NAEP contracts and must be kept confidential to maintain the integrity of the federal acquisition process. Public disclosure of this confidential information would impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b(c) of Title 5 of the United States Code.

Following a short break, the Governing Board will convene in open session from 11:15 a.m. to 12:15 p.m. to hear a panel discussion on possibilities and priorities for the NAEP Science Assessment Framework. From 12:30 p.m. to 2:00 p.m. members will meet in small groups to discuss the NAEP Science Framework priorities. Members will reconvene in the plenary session from 2:15 p.m. to 3:00 p.m. to provide group debriefs on the discussions.

Governing Board members will engage in open discussion from 3:00 p.m. to 3:30 p.m. The March 4 session of the Governing Board meeting will adjourn at 3:30 p.m.

The Quarterly Board meeting and committee meeting agendas, together with meeting materials, will be posted on the Governing Board's website at *www.nagb.gov* no later than five working days prior to each meeting.

Virtual attendance for all open sessions will be accessible to members of the public via online registration only at *www.nagb.gov* five business days prior to each meeting.

Access to Records of the Meeting: Pursuant to FACA requirements, the public may also inspect the meeting materials at *www.nagb.gov* five business days prior to each meeting. The official verbatim transcripts of the public meeting sessions will be available for public inspection no later than 30 calendar days following each meeting.

Reasonable Accommodations: The meeting is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice no later than ten working days prior to each meeting.

Written Comment: Written comments related to the work of the Governing Board may be submitted electronically or in hard copy to the attention of the Executive Officer/Designated Federal Official (see contact information noted above).

Public Participation: Members of the public may virtually attend all open sessions of the standing committees and full Governing Board meetings via advance registration. A link to the registration page will be posted on *www.nagb.gov* five business days prior to each meeting date.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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 Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. 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.

Authority: Pub. L. 107–279, title III—National Assessment of Educational Progress § 301.

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2022–03774 Filed 2–22–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Language Resource Centers Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2022 for the Language Resource Centers (LRC) Program, Assistance Listing Number 84.229A. This notice relates to the approved information collection under OMB control number 1840–0808.

DATES:

Applications Available: February 23, 2022.

Deadline for Transmittal of Applications: April 25, 2022.

Deadline for Intergovernmental Review: June 23, 2022.

Preapplication Webinar information: The Department will hold a preapplication meeting via webinar for prospective applicants. Detailed information regarding this webinar will be provided on the LRC Applicant Information website at *www2.ed.gov/programs/iegpslrc/applicant.html.*

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: Carolyn Collins, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B234, Washington, DC 20202. Telephone: (202)453–7854. Email: *carolyn.collins@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 LRC Program provides grants to institutions of higher education (IHEs) or consortia of IHEs for establishing, strengthening, and operating centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials development, assessment, and dissemination projects.

Priorities: This notice includes one absolute priority and one competitive preference priority. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from 34 CFR 669.22(a)(2). The competitive preference priority 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.

The priority is:

Specific Foreign Languages for Study or Materials Development.

Background: Under 34 CFR 669.22(a)(2), the Department may establish a priority for specific foreign languages for study or materials development. For the absolute priority, we took into consideration the findings in the Modern Language Association (MLA) survey [1] of fall 2016 undergraduate and graduate enrollments in language courses at 2,547 postsecondary institutions in the United States. Of 1,417,921 total enrollments, the three most-studied modern foreign languages included Spanish, with 712,240 enrollments or 50 percent; French, with 175,667 enrollments or 12 percent; and German, with 80,594 enrollments or 6 percent. Together, these three languages represented 968,501, or 68 percent, of enrollments. Other languages, with 34,830 enrollments, constituted 25 percent of enrollments for the same period.

The findings in the MLA survey are consistent with the definition of ''Less Commonly Taught Languages'' (LCTLs) used by the Center for Advanced Research on Language Acquisition (CARLA).[2] CARLA defines LCTLs as ''all of the world's languages except English, French, German, and Spanish.''

Priority: Applications that propose activities with a significant focus on the teaching and learning of any modern foreign languages except French, German, and Spanish.

Competitive Preference 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 a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points to an application that meets the Competitive Preference Priority.

This priority is:

Promoting Equity in Student Access to Educational Resources and Opportunities (up to 5 points).

Projects that will be implemented by or in partnership with one or more of the following entities:

(1) Community colleges (as defined in this notice).

(2) Historically Black colleges and universities (as defined in this notice).

(3) Tribal Colleges and Universities (as defined in this notice).

(4) Minority-serving institutions (as defined in this notice).

Definitions: The definitions below are from the Supplemental Priorities.

Community college means ''junior or community college'' as defined in section 312(f) of the Higher Education Act of 1965, as amended (HEA).

Historically Black Colleges and Universities means colleges and universities that meet the criteria set out in 34 CFR 608.2.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

Tribal College or University has the meaning ascribed it in section 316(b)(3) of the HEA.

Note: The institutions designated eligible under title III and title V may be viewed at the following link: *www2.ed.gov/about/offices/list/ope/idues/eligibility.html.*

Program Authority: 20 U.S.C. 1121, 1123.

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, 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 regulations for this program in 34 CFR parts 655 and 669. (e) The Supplemental Priorities.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

Areas of National Need: In accordance with section 601(c) of the HEA, 20 U.S.C. 1121(c), the Secretary consulted with a wide range of Federal agencies and received recommendations regarding national need for expertise in foreign language and world regions. These agencies' recommendations may be viewed at *www2.ed.gov/about/offices/list/ope/iegps/languageneeds.html.*

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,746,768.

The Administration has requested $2,746,768 for new awards for this program for FY 2022. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process before the end of the current fiscal year if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications,

[1] Modern Language Association, ''Enrollments in Languages Other Than English in United States Institutions of Higher Education, Summer 2016 and Fall 2016: Preliminary Report'' (February, 2018) (p 13).

[2] Center for Advanced Research on Language Acquisition, University of Minnesota. *www.carla.umn.edu*

we may make additional awards in FY 2023, FY 2024, and FY 2025 from the list of unfunded applications from this competition.

Estimated Range of Awards: $130,000–$197,000 per year.

Estimated Average Size of Awards: $171,000 per year.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs (as defined in section 101 of the HEA (20 U.S.C. 1001)) or consortia of IHEs.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses a training indirect cost rate. This limits indirect cost reimbursement to an entity's actual indirect costs, as determined in its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. For more information regarding training indirect cost rates, see 34 CFR 75.562. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, nonprofit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in the approved application or that it selects through a competition under procedures established by the grantee.

4. a. *Reasonable and Necessary Costs:* Applicants must ensure that all costs included in the proposed budget are reasonable and necessary to meet the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

b. *Audits:* (i) A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR part 200. (2 CFR 200.501(a))

(ii) A non-Federal entity that expends less than $750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to Other Audit Requirements), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO). (2 CFR 200.501(d)).

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 LRC grant competition, 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). We plan to post on our website a selection of funded abstracts and applications' narrative sections.

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 program 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 program.

4. *Funding Restrictions:* We specify unallowable costs in 34 CFR 669.30. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the priorities, selection criteria, and application requirements that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 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, *except* 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). However, you may use a 10 point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit applies to the entirety of the application narrative. The recommended page limit does not apply to the Application for Federal Assistance face sheet (SF 424); the supplemental SF 424 form; Budget Information—Non-Construction Programs (ED 524); the detailed line-item budget; the assurances and certifications, and the response to section 427 of the General Education Provisions Act; the project abstract; the table of contents; or the appendices.

6. *Award Basis:* In determining whether to approve a grant award and the amount of such award, the Department will take into consideration, among other things, the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 75.233(b)). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved

and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

V. Application Review Information

1. *Selection Criteria:* The following selection criteria for this program are from 34 CFR 655.31 and 669.21. The maximum score under the selection criteria, taken together with the maximum number of points awarded to applicants that address the competitive preference priority, is 105 points. The maximum score for each selection criterion is indicated in parentheses below.

(a) *Plan of Operation* (up to 15 points).

The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

The Secretary looks for information that shows—

(1) High quality in the design of the project;

(2) An effective plan of management that ensures proper and efficient administration of the project;

(3) A clear description of how the objectives of the project relate to the purpose of the program;

(4) The way the applicant plans to use its resources and personnel to achieve each objective; and

(5) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women; and

(iii) Handicapped persons.

(b) *Quality of Key Personnel* (up to 10 points).

The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(1) The Secretary looks for information that shows—

(a) The qualifications of the project director (if one is to be used);

(b) The qualifications of each of the other key personnel to be used in the project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students;

(c) The time that each person referred to in paragraphs (b)(1)(a) and (b) of this section plans to commit to the project; and

(d) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(2) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and Cost-Effectiveness* (up to 10 points).

The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

The Secretary looks for information that shows—

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation Plan* (up to 20 points).

The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of Resources* (up to 5 points).

The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

The Secretary looks for information that shows—

(1) Other than a library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and

(2) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need and Potential Impact* (up to 20 points).

The Secretary reviews each application to determine-–

(1) The extent to which the proposed materials or activities are needed in the foreign languages on which the project focuses;

(2) The extent to which the proposed materials may be used throughout the United States; and

(3) The extent to which the proposed work or activity may contribute significantly to strengthening, expanding, or improving programs of foreign language study in the United States.

(g) *Likelihood of Achieving Results* (up to 10 points).

The Secretary reviews each application to determine—

(1) The quality of the outlined methods and procedures for preparing the materials; and

(2) The extent to which plans for carrying out activities are practicable and can be expected to produce the anticipated results.

(h) *Description of Final Form of Results* (up to 10 points).

The Secretary reviews each application to determine the degree of specificity and the appropriateness of the description of the expected results from the project.

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 also 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 of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For the FY 2022 LRC competition, all applications will be assigned to peer review panels. Readers who serve on the peer review panels are selected based on their expertise in the specialized area studies, international studies, and modern foreign language(s) necessary to effectively review, score, and rank the applications assigned to them.

The Department will select applications for funding consideration based on their ranking in the competition. In cases where the peer reviewers' average scores are the same for two or more applications same in the rank order listing, but there are insufficient funds to support all of the equally ranked applications, the Department will use the scores assigned to selection criterion (f): Need and Potential Impact to break the tie.

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 (SAM). You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the 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. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170, should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary in 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.*

Performance reports for the LRC Program must be submitted electronically into the office of International and Foreign Language (IFLE) web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, please go to *https://iris.ed.gov/iris/pdfs/LRC.pdf.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. If a grantee is provided additional funding for this purpose, the Secretary establishes a data collection period.

5. *Performance Measures:* The following measures have been established for the purpose of Department reporting under 34 CFR 75.110, and will be used to evaluate the success of the LRC Program:

(a) Percentage of LRC products or activities judged to be successful by LRC customers with respect to quality, usefulness and relevance.

(b) Percentage of LRC products judged to be successful by an independent expert review panel with respect to quality, usefulness and relevance.

(c) Cost per LRC project that increased the number of training programs for K–16 instructors of LCTLs (efficiency measure).

The information provided by grantees in their performance reports submitted via the IRIS reporting system will be the source of data for these measures. Reporting screens for institutions can be viewed at: *http://iris.ed.gov/iris/pdfs/LRC.pdf.*

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, 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 via the Federal Digital System 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.

Michelle Asha Cooper,

Deputy Assistant Secretary for Higher Education Programs, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2022–03789 Filed 2–22–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–495]

Application To Export Electric Energy; Evolugen Trading and Marketing LP

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: Evolugen Trading and Marketing LP (Applicant) has applied for authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before March 25, 2022.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to (202) 586–8008.

FOR FURTHER INFORMATION CONTACT: Matt Aronoff, 202–586–5863, *matthew.aronoff@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) regulates exports of electricity from the United States to a foreign country, pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b) and 42 U.S.C. 7172(f)). Such exports require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On January 18, 2022, Applicant filed an application with DOE (Application or App.) to ''transmit electricity from the United States to Canada for a period of five years (or such longer period as may be permitted by the Department of Energy).'' App. at 1. Applicant states that it is a ''limited partnership organized under the laws of the Province of Ontario with its principal place of business in Gatineau, Quebec, Canada.'' *Id.* at 2. Applicant adds that it ''is wholly-owned (directly and indirectly) by Brookfield BRP Canada Corp.'' *Id.* Applicant represents that it ''does not own or control any electric generation, transmission, or distribution facilities in the United States,'' nor does it ''hold a franchise or service territory for the transmission, distribution or sale of electricity.'' *Id.*

Applicant further claims that it would ''purchase the electric power to be exported in the markets in which it participates, on a firm or interruptible basis, which may include purchases from wholesale generators, power marketers, other electric utilities, and federal power marketing agencies pursuant to voluntary agreements.'' App. at 6. Applicant contends that its proposed exports would ''not impair or tend to impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.'' *Id.* at 6–7.

The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Evolugen Trading and Marketing LP's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–495. Additional copies are to be provided directly to Simon Laroche, 41, rue Victoria, Gatineau, QC J8X 2A1, Canada, *simon.laroche@evolugen.com;* Vincenzo Franco, 1 Thomas Circle NW, Suite 700, Washington, DC 20005, *vfranco@rockcreekenergygroup.com;* and Whitney Gallagher, 1 Thomas Circle NW, Suite 700, Washington, DC 20005, *wgallagher@rockcreekenergygroup,com.*

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of the Application will be made available, upon request, by accessing the program website at *https://energy.gov/node/11845,* or by emailing Matt Aronoff at *matthew.aronoff@hq.doe.gov.*

Signed in Washington, DC, on February 16, 2022.

Christopher Lawrence,

Management and Program Analyst, Electricity Delivery Division, Office of Electricity.

[FR Doc. 2022–03751 Filed 2–22–22; 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 exempt wholesale generator filings:

Docket Numbers: EG22–55–000.
Applicants: Rabbitbrush Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator of Rabbitbrush Solar, LLC.
Filed Date: 2/16/22.
Accession Number: 20220216–5168.
Comment Date: 5 p.m. ET 3/9/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1662–001.
Applicants: Crystal Lake Wind Energy I, LLC.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Crystal Lake Wind I, LLC to be effective N/A.
Filed Date: 2/16/22.
Accession Number: 20220216–5182.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER20–2222–001.
Applicants: Crystal Lake Wind III, LLC.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Crystal Lake Wind III, LLC to be effective N/A.
Filed Date: 2/16/22.
Accession Number: 20220216–5185.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER20–2543–001.
Applicants: Crystal Lake Wind Energy II, LLC.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Crystal Lake Wind II, LLC to be effective N/A.
Filed Date: 2/16/22.
Accession Number: 20220216–5183.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER21–511–005.
Applicants: Safe Harbor Water Power Corporation.
Description: Compliance filing: Settlement Compliance Filing to be effective 2/1/2021.
Filed Date: 2/16/22.
Accession Number: 20220216–5155.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER21–1215–002.
Applicants: Assembly Solar I, LLC.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.19a(b): Refund Report_Assembly Solar I, LLC to be effective N/A.
Filed Date: 2/16/22.
Accession Number: 20220216–5180.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–323–001.
Applicants: Exelon Generation Company, LLC.
Description: Compliance filing: Constellation Energy Generation, LLC submits tariff filing per 35: Compliance Filing for Nuclear Operating Services Agreements to be effective 2/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5109.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–325–001.
Applicants: Calvert Cliffs Nuclear Power Plant, LLC.
Description: Compliance filing: Compliance Filing for NOSA Certificate of Compliance to be effective 2/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5111.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–326–001.
Applicants: Exelon FitzPatrick, LLC.
Description: Compliance filing: Constellation FitzPatrick, LLC submits tariff filing per 35: Compliance Filing for NOSA Certificate of Concurrence to be effective 2/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5115.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–327–001.
Applicants: Nine Mile Point Nuclear Station, LLC.
Description: Compliance filing: Compliance Filing for NOSA Certificate of Concurrence to be effective 2/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5118.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–329–001.
Applicants: R.E. Ginna Nuclear Power Plant, LLC.
Description: Compliance filing: Compliance Filing for NOSA Certificate of Concurrence to be effective 2/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5120.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1057–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–02–16_SA 3394 UEC-Blue Bird Solar 1st Rev GIA (J817) to be effective 2/4/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5046.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1058–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–02–16_SA 3475 ATXI-City of Roses Wind Energy 1st Rev GIA (J848) to be effective 2/8/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5048.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1059–000.
Applicants: New Market Solar ProjectCo 1, LLC.
Description: Baseline eTariff Filing: Certificate of Concurrence to be effective 2/17/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5059.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1060–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc., submitted a Petition for a Temporary Tariff Waiver with a request for Shortened Comment Period and Expedited Action.
Filed Date: 2/15/22.
Accession Number: 20220215–5231.
Comment Date: 5 p.m. ET 2/22/22.
Docket Numbers: ER22–1061–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA No. 4311, Queue No. AE1–035 (amend) to be effective 2/24/2020.
Filed Date: 2/16/22.
Accession Number: 20220216–5091.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1062–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–02–16_Improve the Accuracy of the Forecast Maximum Limit for DIR to be effective 4/18/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5110.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1063–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Appaloosa Run Wind 1st A&R GIA to be effective 2/9/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5117.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1064–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 217 Exhibit B Revisions to be effective 4/18/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5141.
Comment Date: 5 p.m. ET 3/9/22.
Docket Numbers: ER22–1065–000.
Applicants: Rabbitbrush Solar, LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 2/17/2022.

Filed Date: 2/16/22.

Accession Number: 20220216–5189.

Comment Date: 5 p.m. ET 3/9/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–27–000.

Applicants: Evergy Missouri West, Inc.

Description: Supplement to Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Evergy Missouri West, Inc.

Filed Date: 2/15/22.

Accession Number: 20220215–5233.

Comment Date: 5 p.m. ET 2/25/22.

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 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–03802 Filed 2–22–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP16–9–011, CP16–9–012	2–1–2022	FERC Staff.[1]
2. CP16–9–011, CP16–9–012, RP21–1001–000, RP21–1001–001, CP18–46–004, CP15–490–002.	2–1–2022	FERC Staff.[2]
3. CP16–9–011, CP16–9–012, RP21–1001–000, RP21–1001–001, CP18–46–004, CP15–490–002.	2–1–2022	FERC Staff.[3]
4. CP16–9–011, CP16–9–012	2–1–2022	FERC Staff.[4]
5. CP16–9–011, CP16–9–012	2–1–2022	FERC Staff.[5]
6. CP21–57–000	2–14–2022	FERC Staff.[6]
7. CP21–57–000	2–14–2022	FERC Staff.[7]
8. CP21–57–00	2–14–2022	FERC Staff.[8]
9. CP21–57–000	2–14–2022	FERC Staff.[9]
10. CP21–57–000	2–14–2022	FERC Staff.[10]
11. CP21–57–000	2–14–2022	FERC Staff.[11]
12. CP21–57–000	2–14–2022	FERC Staff.[12]
13. CP21–57–000	2–14–2022	FERC Staff.[13]
14. CP21–57–000	2–14–2022	FERC Staff.[14]
15. CP21–57–000	2–14–2022	FERC Staff.[15]
16. CP21–57–000	2–14–2022	FERC Staff.[16]
17. CP21–57–000	2–14–2022	FERC Staff.[17]
18. CP21–57–000	2–14–2022	FERC Staff.[18]
19. CP21–57–000	2–14–2022	FERC Staff.[19]
20. CP21–57–000	2–14–2022	FERC Staff.[20]
21. CP21–57–000	2–14–2022	FERC Staff.[21]
22. CP21–57–000	2–14–2022	FERC Staff.[22]
23. CP21–57–000	2–14–2022	FERC Staff.[23]
24. CP21–57–000	2–14–2022	FERC Staff.[24]

Docket Nos.	File date	Presenter or requester
25. CP21–57–000	2–14–2022	FERC Staff.[25]
26. CP21–57–000	2–14–2022	FERC Staff.[26]
27. CP21–57–000	2–14–2022	FERC Staff.[27]
28. CP21–57–000	2–14–2022	FERC Staff.[28]
29. CP21–57–000	2–14–2022	FERC Staff.[29]
30. CP21–57–000	2–14–2022	FERC Staff.[30]
31. CP21–57–000	2–14–2022	FERC Staff.[31]
32. CP21–57–000	2–14–2022	FERC Staff.[32]
33. CP21–57–000	2–14–2022	FERC Staff.[33]
34. CP21–57–000	2–14–2022	FERC Staff.[34]
35. CP21–57–000	2–15–2022	FERC Staff.[35]
36. CP21–57–000	2–15–2022	FERC Staff.[36]
Exempt:		
P–2146–111, P–82–000, P–618–000	2–2–2022	U.S Fish and Wildlife Service.

[1] Emailed comments dated 1/19/2022 from Dorothy Anderson and 5 other individuals.
[2] Emailed comments dated 1/19/2022 from Gabbie McFrane and 22 other individuals.
[3] Emailed comments dated 1/20/2022 from Cory Alperstein.
[4] Emailed comments dated 1/20/2022 from Virginia Marcotte.
[5] Emailed comments dated 1/21/2022 from Molly Smith.
[6] Emailed comments dated 2/14/2022 from Don Worley.
[7] Emailed comments dated 2/14/2022 from Eugenie A Jenkins.
[8] Emailed comments dated 2/14/2022 from Elizabeth Struthers Malbon, Ph.D.
[9] Emailed comments dated 2/14/2022 from Elizabeth Watts.
[10] Emailed comments dated 2/14/2022 from James O. Michel.
[11] Emailed comments dated 2/14/2022 from Laurence Kirby.
[12] Emailed comments dated 2/14/2022 from Sharon Davlin.
[13] Emailed comments dated 2/14/2022 from Donna Cubit-Swoyer.
[14] Emailed comments dated 2/14/2022 from L.M. Hussenbux.
[15] Emailed comments dated 2/14/2022 from Don Worley.
[16] Emailed comments dated 2/14/2022 from Eugenie A. Jenkins.
[17] Emailed comments dated 2/14/2022 from Elizabeth Struthers Malbon, Ph.D.
[18] Emailed comments dated 2/14/2022 from Elizabeth Watts.
[19] Emailed comments dated 2/14/2022 from Laurence Kirby.
[20] Emailed comments dated 2/14/2022 from Donna Cubit-Swoyer.
[21] Emailed comments dated 2/14/2022 from L.M. Hussenbux.
[22] Emailed comments dated 2/14/2022 from Sharon Davlin.
[23] Emailed comments dated 2/14/2022 from Lucy Duff.
[24] Emailed comments dated 2/14/2022 from Stephen Weissman.
[25] Emailed comments dated 2/14/2022 from Jennifer Valentine.
[26] Emailed comments dated 2/14/2022 from Sally Small.
[27] Emailed comments dated 2/14/2022 from V Ra.
[28] Emailed comments dated 2/14/2022 from Kathryn Summers.
[29] Emailed comments dated 2/14/2022 from Sandra Couch.
[30] Emailed comments dated 2/14/2022 from Yvonne Rocco.
[31] Emailed comments dated 2/14/2022 from Daniel Lawrence.
[32] Emailed comments dated 2/14/2022 from Carol Joan Patterson.
[33] Emailed comments dated 2/14/2022 from Colleen Wysser-Martin.
[34] Emailed comments dated 2/14/2022 from Sid Madison.
[35] Emailed comments dated 2/14/2022 from Rory Page.
[36] Emailed comments dated 2/14/2022 from Daniel Dayton.

Dated: February 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–03803 Filed 2–22–22; 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: PR21–56–001.

Applicants: Public Service Company of Colorado.

Description: Submits tariff filing per 284.123(b),(e)+(g): Administrative Tariff update Statement of Rates to be effective 4/1/2021.

Filed Date: 2/14/2022.

Accession Number: 20220214–5076.

Comment Date: 5 p.m. ET 3/7/22.

284.123(g) Protests Due: 5 p.m. ET 4/15/22.

Docket Numbers: RP22–551–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Feb 22) to be effective 2/16/2022.

Filed Date: 2/15/22.

Accession Number: 20220215–5092.

Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–552–000.

Applicants: Southern Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Fuel Retention Rates—Summer 2022 to be effective 4/1/2022.

Filed Date: 2/16/22.

Accession Number: 20220216–5051.

Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–553–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: § 4(d) Rate Filing: MEP Cashout Filing February 2022 to be effective 4/1/2022.

Filed Date: 2/16/22.

Accession Number: 20220216–5058.

Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–554–000.

Applicants: Elba Express Company, L.L.C.

Description: § 4(d) Rate Filing: Fuel Tracker Filing—2022 to be effective 4/1/2022.

Filed Date: 2/16/22.

Accession Number: 20220216–5064.
Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–555–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 2.16.22 Negotiated Rates—DTE Energy Trading, Inc. R–1830–18 to be effective 4/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5065.
Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–556–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 2.16.22 Negotiated Rates—Macquarie Energy LLC R–4090–24 to be effective 4/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5067.
Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–557–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 2.16.22 Negotiated Rates—Freepoint Commodities LLC R–7250–41 to be effective 4/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5068.
Comment Date: 5 p.m. ET 2/28/22.

Docket Numbers: RP22–558–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 2.16.22 Negotiated Rates—Castleton Commodities Merchant Trading L.P. R–4010–31 to be effective 4/1/2022.
Filed Date: 2/16/22.
Accession Number: 20220216–5071.
Comment Date: 5 p.m. ET 2/28/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP21–1042–002.
Applicants: Rover Pipeline LLC.
Description: Compliance filing: File and Motion Revised & Cancelled Records RP21–1042–000 to be effective 2/20/2022.
Filed Date: 2/15/22.
Accession Number: 20220215–5114.
Comment Date: 5 p.m. ET 2/28/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–03801 Filed 2–22–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2020–0426; FRL–8421–02–OW]

Proposed 2022 Clean Water Act Financial Capability Assessment Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: When municipal discharges cause violations of the Clean Water Act (CWA), EPA sets a schedule for the municipality to address them as soon as possible. When developing schedules to implement the control measures, EPA considers factors such as public health, environmental protection, and a community's financial capability. The Proposed 2022 Financial Capability Assessment (FCA) Guidance describes the financial information and formulas the Agency intends to use to assess the financial resources a community has available to implement control measures. The Proposed 2022 FCA directly incorporates relevant portions of the 1997 *Combined Sewer Overflows—Guidance for Financial Capability Assessment and Schedule Development* (1997 FCA Guidance) and EPA's 2014 *Financial Capability Assessment Framework for Municipal Clean Water Act Requirements* (2014 FCA Framework) as Appendices. Once finalized, EPA intends for the Proposed 2022 FCA to replace the 1997 FCA Guidance to evaluate a community's capability to fund CWA control measures in both the permitting and enforcement context. Additionally, EPA intends Section IV.g of the 2022 FCA to assist states and authorized tribes in the consideration of economic impacts to public entities for supporting revisions to designated uses, water quality standard (WQS) variances, and antidegradation reviews for high quality waters. The Proposed 2022 FCA reflects EPA's consideration of public comments received in response to its September 18, 2020 **Federal Register** publication. The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OW–2020–0426, by the following method:

- *Federal eRulemaking portal: https://www.regulations.gov/.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this guidance. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the guidance process, see the ''Request for Public Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are open to the public by appointment only to reduce the risk of transmitting COVID–19. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Sonia Brubaker, Office of Wastewater Management, Water Infrastructure Division (MC4204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–0120; email address: *brubaker.sonia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Purpose of the Proposed 2022 Financial Capability Assessment Guidance
II. Changes From the September 2020 Proposed FCA Guidance
III. Overview of the Proposed 2022 FCA Guidance
IV. Request for Public Comments

EPA'S Proposed 2022 Financial Capability Assessment Guidance

I. Purpose of the Proposed 2022 Financial Capability Assessment Guidance

The Proposed 2022 FCA advances the ability of communities to more thoroughly demonstrate the financial impacts they face and increases the transparency of EPA's considerations as it endeavors to consistently apply FCA methodologies across the country. The Proposed 2022 FCA allows communities to submit more consistent and comprehensive information relevant to the entire community's capability to fund CWA control measures and programs. Specifically, the Proposed 2022 FCA includes templates and calculations that communities can use to submit information regarding lowest quintile income (LQI), drinking water costs, financial models or studies, and other relevant information. The templates and calculations include references to publicly available data sources that can be used in compiling this information.

The Proposed 2022 FCA sets forth two alternative approaches for assessing a community's financial capability to carry out CWA control measures. The first alternative is the existing 1997 FCA methodology with expanded consideration of lowest quintile income and poverty in the service area. The second alternative is the development of a dynamic financial and rate model that looks at the impacts of rate increases over time on utility customers. Additionally, EPA recommends the application of the methodologies from Alternative 1 of the Proposed 2022 FCA to the consideration of economic impacts to public entities when making decisions on WQS variances and antidegradation reviews. In appropriate cases, these methodologies also inform decisions about revisions to designated uses, subject to additional analyses.

EPA is proposing to base its FCA metrics on data that is available in the American Community Survey (ACS). The ACS is conducted every year by the U.S. Census Bureau to provide up-to-date information about the social and economic conditions of communities. The annual updates include key socio-demographic information at an appropriate geographic scale with historic continuity. The ACS can produce data showing the quintiles of household income (each quintile defines the household income range for 20% of a community's households). The 2022 Proposed FCA metrics meet the following criteria recommended by the National Academy of Public Administration (NAPA): [1]

- Readily available from publicly available data sources;
- Clearly defined and understood;
- Simple, direct, and consistent;
- Valid and reliable measures, according to conventional research standards; and
- Applicable for comparative analyses among permittees.

The 2022 Proposed FCA strengthens both CWA protections and water service affordability protections. For the first time, EPA may ask municipalities negotiating compliance schedules and certain WQS revisions to affirmatively demonstrate actions to reduce or mitigate the financial impact of water service costs on the lowest quintile households and to achieve compliance as expeditiously as possible.

II. Changes From the September 2020 Proposed FCA Guidance

On September 18, 2020, EPA published a Proposed *2020 Financial Capability Assessment for Clean Water Act Obligations* (Proposed 2020 FCA) in the **Federal Register** for notice and public comment.[2] On January 12, 2021, EPA posted a pre-publication version of the FCA Guidance on the Agency's website. The pre-publication FCA was never published in the **Federal Register** and was withdrawn for review and approval in accordance with the January 20, 2021 White House Memorandum, *Regulatory Freeze Pending Review*.[3] The Proposed 2022 FCA reflects EPA's consideration of public comments received in response to its September 2020 **Federal Register** publication, as well as feedback received through various stakeholder outreach sessions since then. The three major changes from the Proposed 2020 FCA are outlined below.

1. Consideration of Lowest Quintile Households and Poverty Indicators

EPA originally proposed to add two new FCA metrics, the Lowest Quintile Residential Indicator (LQRI) and the Poverty Indicator (PI). The LQRI was intended to evaluate the financial impact of CWA costs on lowest quintile households in a community by calculating the ratio of adjusted costs per lowest quintile household to the service area's lowest quintile income.

While commenters were supportive of the new poverty measures, many expressed concerns about the methodology proposed to scale the costs for lowest quintile households and the proposed LQRI thresholds. A number of community-specific factors—such as age of infrastructure, housing type, and efficiency of water appliances—may impact water usage and costs to lowest quintile households. In addition, if the community charges residential customers on a fixed rate structure, *i.e.,* low-volume households receive the same bill as high-volume households, a metric that scales down estimates of cost based on projected water use would not be appropriate.

EPA recognizes that considering lowest quintile income is an important measure to supplement existing FCA metrics. Median household income (MHI) does not account for the variability of income distribution from community to community. Even when communities have a similar MHI, infrastructure investments could have a greater financial impact on low-income households in certain situations, such as when there is a wide distribution between the highest and lowest income customers. For this reason, EPA is proposing two simplified Proposed Options to assess the severity and prevalence of poverty in a community's service area. EPA is seeking comment on both Proposed Options, but only one of the Proposed Options is to be included in the final 2022 FCA Guidance. Both Options consider the community's lowest quintile income as benchmarked against the national lowest quintile income, as well as five poverty indicators:

- Percentage of Population with Income Below 200% of Federal Poverty Level;
- Percentage of Population Receiving Food Stamps/SNAP Benefits;
- Percentage of Vacant Households;
- Trend in Household Growth; and
- Percentage of Unemployed Population 16 and Over in Civilian Labor Force.

EPA has determined that the methodology of either Option 1 or 2 would enable EPA to distinguish between two communities with similar MHI but different levels of poverty.

Proposed Option 1 for Comment: This Option would add a single new metric to the assessment, the Lowest Quintile Poverty Indicator (LQPI) to be considered with the Residential Indicator and Financial Capability Indicator. The LQPI would combine a lowest quintile income element with poverty indicator elements. To ensure that both the severity and prevalence of

[1] NAPA issued a report titled ''Developing a New Framework for Community Affordability of Clean Water Services'' in October 2017.

[2] See 85 FR 58352 (September 18, 2020).

[3] See *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/.*

poverty are reflected in the LQPI metric, EPA would give equal weight to the LQI (50%) and the five prevalence of poverty indicators (weighted at 10% each for a total of 50%).

Under Proposed Option 1, Residential Indicator and Financial Capability Indicator would be combined in a matrix to determine an FCA Score. An Initial LQPI Score would be calculated, and adjusted based on a Financial Alternatives Analysis, if appropriate. Finally, the FCA Score and Final LQPI Score would be combined in the Expanded FCA Matrix to provide the final FCA result.

Proposed Option 2 for Comment: This Option would add two new metrics, the Lowest Quintile Income Indicator (LQII) and the Poverty Indicator (PI) to be considered with the Residential Indicator and Financial Capability Indicator. The LQII is the lowest quintile income metric, and the PI is a separate metric based on the average score of the five prevalence of poverty indicators.

Under Proposed Option 2, the Residential Indicator and Financial Capability Indicator would be combined in a matrix to determine an FCA Score. Then, LQII and PI would be each calculated separately. The LQII and PI would be combined in a matrix to determine an Initial LQPI Score. The Initial LQPI Score would be adjusted based on a Financial Alternatives Analysis, if appropriate. Finally, the FCA Score and Final LQPI Score would be combined in the Expanded FCA Matrix to provide the final FCA result.

Summary of Section IV.b of the Proposed 2022 FCA: Step 3 Shows Two Proposed Options for Consideration of Lowest Quintile Income and Poverty Indicators

Step 1: Calculate Residential Indicator.
Step 2: Calculate Financial Capability Indicator.
Step 3: Calculate Initial Lowest Quintile Poverty Indicator Score—Two Proposed Options.

Step 3 Under Proposed Option 1	Step 3 Under Proposed Option 2
Calculate Initial Lowest Quintile Poverty Indicator Score based on the six elements below: • Lowest Quintile Income benchmarked to National LQI—50% of score. • Percentage of Unemployed Population 16 and Over in Civilian Labor Force—10% of score. • Percentage of Population Living Under 200% of Poverty Level—10% of score. • Percentage of Population Receiving Food Stamps/SNAP Benefits—10% of score. • Percentage of Vacant Households—10% of score. • Trend in Household Growth—10% of score.	First, calculate the Lowest Quintile Income Indicator Score (*i.e.*, community's Lowest Quintile Income benchmarked to the National LQI). Then, average the five poverty elements below to determine the Poverty Indicator Score: • Percentage of Unemployed Population 16 and Over in Civilian Labor Force. • Percentage of Population Living Under 200% of Poverty Level. • Percentage of Population Receiving Food Stamps/SNAP Benefits. • Percentage of Vacant Households. • Trend in Household Growth. Finally, combine the LQI and PI in the Initial LQPI Matrix to determine the Initial LQPI Score.

Step 4: Perform Financial Alternatives Analysis if Initial LQPI Score is ''medium'' impact or ''high'' impact.
Step 5: Determine Final LQPI Score.
Step 6: First, combine RI and FCI to determine Financial Capability Matrix Score. Then, combine Financial Capability Matrix Score and Final LQPI Score to determine Expanded Financial Capability Assessment Matrix Score.

2. Addition of Financial Alternatives Analysis

Where CWA compliance costs may have an impact on a community's residents with incomes in the lowest quintile, a longer schedule may not always be the best solution to address impacts to those residents. In particular, if a community shows strong economic indicators in other categories, there may be better options for the community to address the potential financial burden faced by its lowest quintile residents.[4] If the intended goal is to help a community's lowest income residents, an extended CWA schedule may in fact have the opposite effect if it delays addressing pollution in the neighborhoods where they live.

Use of variable rate structures, customer assistance programs, and applications for grants or subsidies from the Clean Water State Revolving Fund (CWSRF) are all potential tools to enable shorter compliance schedules by allowing increased total spending on compliance without burdening low-income customers. Federal funding initiatives and programs such as the Bipartisan Infrastructure Law (BIL), American Rescue Plan Act (ARPA), State Revolving Loan Funds (SRFs), Water Infrastructure Finance and Innovation Act (WIFIA) and others provide billions of dollars for state, local, territorial, and tribal governments. For instance, the Bipartisan Infrastructure Law has provided $11.7 billion in additional funds to the CWSRF. The state match requirement has been reduced to 10% for the first two years and 49% of the money will be provided as grants or principal forgiveness loans to communities. These resources create a historic opportunity for communities to address long-standing challenges. In addition, shorter compliance schedules provide water quality and public health improvements that deliver important social, environmental, and economic benefits to the community. For these reasons, EPA does not intend to provide extended CWA compliance schedules or greater consideration for WQS decisions unless the community demonstrates that it has taken all feasible steps to reduce or mitigate the financial impact of water service costs on the lowest quintile households and to achieve compliance as expeditiously as possible. In evaluating this demonstration, EPA expects to look comprehensively at the community's financial strategy, including, but not limited to, an analysis of the community's approach to covering costs through rate structure and design as well as its other initiatives to assist low-income customers while assuring necessary and timely compliance with environmental requirements.

[4] The CSO Policy identifies three additional financial considerations for negotiating implementation schedules: Grant and loan availability; previous and current residential, commercial and industrial sewer user fees and rate structures; and other viable funding mechanisms and sources of financing. See 59 FR 18688, 18694 (April 19, 1994).

3. Modification of Scheduling Benchmarks

The Proposed 2020 FCA provided that communities with ''medium'' FCA impacts could qualify for compliance schedules of up to 15 years and ''high'' impact communities could receive compliance schedules up to 25 years, or as long as the useful life of the CSO controls for unusually high impacts. For users of the Proposed 2022 FCA, it is more transparent and consistent to define a recommended scheduling boundary rather than retain the ''useful life'' language. It is important to consider human health and environmental impacts as well as cost when considering extended schedules. EPA is also mindful that prolonging water quality impairments could exacerbate environmental justice concerns. EPA believes that, for unusually high impacts, 25 years is a reasonable recommended scheduling benchmark that is more consistent with environmental protection and the Agency's past FCA practice.

EPA proposes to revise the FCA guidance to keep 15 years as the outer recommended boundary for ''medium'' impact communities and change the benchmark for ''high'' impact communities to 20 years, or up to 25 years for unusually high impacts, but is seeking comment on whether these are appropriate recommended scheduling boundaries.

III. Overview of the Proposed 2022 FCA Guidance

The 2022 FCA Guidance recommends two alternative approaches for assessing a community's financial capability to carry out CWA control measures. The first alternative is the existing 1997 FCA methodology with expanded consideration of poverty and impacts on the population in the service area with incomes in the lowest quintile. EPA is retaining the 1997 Residential Indicator (*i.e.,* 2% of MHI) and the Financial Capability Indicator because they measure factors required under the Clean Water Act by the CSO Policy as part of a financial capability assessment.[5] These indicators also allow for consistent comparative analysis among communities. The new critical metric, the Lowest Quintile Poverty Indicator (LQPI), allows the Agency to assess severity and prevalence of poverty. The second alternative is the development of a dynamic financial and rate model that looks at the impacts of rate increases over time on utility customers.

Both alternatives permit consideration of other metrics and may support an extended implementation schedule. Nonetheless, EPA does not anticipate establishing implementation schedules that would exceed 20 years, or up to 25 years for communities that demonstrate unusually high impacts. The Proposed 2022 FCA can help to ensure that local challenges related to low-income households are better reflected in CWA implementation schedules. Consistent with previous policy, EPA plans to consider any relevant financial or demographic information presented that illustrates the unique or atypical circumstances faced by a community. The Proposed 2022 FCA is available at: *https://www.regulations.gov/,* Docket ID No. EPA–HQ–OW–2020–0426.

Additionally, EPA recommends application of the methodologies from the Proposed 2022 FCA to the consideration of economic impacts to public entities for supporting revisions to designated uses, WQS variances, and antidegradation reviews for WQS. EPA intends that the recommended expanded matrix for WQS decisions in the Proposed 2022 FCA, once finalized, along with the electronic spreadsheet tools for the public sector,[6] would replace the worksheets and calculations for the public sector sections of the 1995 *Interim Economic Guidance for Water Quality Standards.* The Proposed 2022 FCA does not revise the recommended methodology in the private sector sections of the 1995 WQS Guidance.

IV. Request for Public Comments

EPA requests public comment on the Proposed 2022 FCA. Specifically, EPA is requesting comment on the following:

1. Should the Final 2022 FCA incorporate a single new metric—LQPI—that considers lowest quintile income and poverty elements together? Or should the Final 2022 FCA incorporate two new metrics (a lowest quintile income indicator and a poverty indicator) to be calculated separately and combined in a matrix?

2. EPA is seeking additional examples or case studies of funding and financing considerations to add to Appendix C.

3. EPA is seeking feedback on the current proposed scheduling benchmarks of 20 years for ''high'' Expanded FCA Matrix impacts, or 25 years for unusually high impacts. If commentors propose different benchmarks, EPA is requesting examples to support the basis for such benchmarks.

Dated: February 10, 2022.

Andrew D. Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2022–03738 Filed 2–22–22; 8:45 am]

BILLING CODE 6560–50–P

[5] The Clean Water Act requires that each permit, order, or decree for a discharge from a municipal combined storm and sanitary sewer conform to the CSO Policy. 33 U.S.C. 1342(q). The CSO Policy lists the following considerations for financial capability: Median household income; total annual wastewater and CSO control costs per household as a percent of median household income; overall net debt as a percent of full market property value; property tax revenues as a percent of full market property value; property tax collection rate; unemployment; and bond rating. See 59 FR 18688, 18694 (April 19, 1994).

[6] These electronic spreadsheet tools for the public sector, available at *https://www.epa.gov/wqs-tech/spreadsheet-tools-evaluate-economic-impacts-public-sector,* encompass the data inputs and calculations of the 1995 *Interim Economic Guidance for Water Quality Standards.*

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2022–0200; FRL–9575–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the Act), notice is given of a proposed consent decree in *Growth Energy* v. *Regan* (D.D.C. No. 1:22–cv–00347). On February 8, 2022, Plaintiff Growth Energy filed a complaint in the United States District Court for the District of Columbia alleging that the Environmental Protection Agency (EPA or the Agency) failed to perform non-discretionary duties in accordance with the Act to establish renewable fuel standards for calendar years 2021 and 2022. The proposed consent decree would establish deadlines for EPA to establish the 2021 and 2022 renewable fuel standards by June 3, 2022.

DATES: Written comments on the proposed consent decree must be received by *March 25, 2022.*

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0200, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of

caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov,* as there may be a delay in processing mail and faxes. Hand-deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID–19.

FOR FURTHER INFORMATION CONTACT: Ryland Shengzhi Li, Air and Radiation Law Office (mail code), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone (202) 564–6787; email address *li.ryland@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2022–0200) contains a copy of the proposed consent decree.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

The proposed consent decree would establish a June 3, 2022, deadline for EPA to establish the 2021 and 2022 renewable fuel standards (also known as renewable fuel obligations). EPA is obligated to establish the renewable fuel standards under 42 U.S.C. 7545(o)(3)(B)(i). The Agency was statutorily obligated to establish the 2021 renewable fuel standards by November 30, 2020, and to establish the 2022 renewable fuel standards by November 30, 2021. EPA proposed the renewable fuel standards for 2021 and 2022 on December 7, 2021. See 86 FR 72436 (published December 21, 2021). Under the proposed consent decree, EPA must sign the final rule establishing the 2021 and 2022 renewable fuel standards by June 3, 2022.

The same rule proposing the 2021 and 2022 renewable fuel standards also proposed to revise the 2020 renewable fuel standards, which EPA had previously finalized in a separate rulemaking. 85 FR 7016 (February 6, 2020) (''2020 Rule''). Growth Energy and other parties have challenged the 2020 Rule in the D.C. Circuit. *Growth Energy* v. *EPA,* No. 20–1113 (D.C. Cir.) (consolidated under lead case *RFS Power Coalition* v. *EPA,* No. 20–1046 (D.C. Cir.)).

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0200, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2022–03826 Filed 2–22–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9446–01–OMS]

Privacy Act of 1974; System of Records

AGENCY: Office of Mission Support (OMS), Environmental Protection Agency (EPA).

ACTION: Notice of a modified system of records.

SUMMARY: The U.S. Environmental Protection Agency's (EPA or Agency),

Administrative IT System Support Staff, Office of Mission Support (OMS), is giving notice that it proposes to modify a system of records, Case Records System (CRS), pursuant to the provisions of the Privacy Act of 1974. EPA is modifying the Case Records System by renaming it to the Enterprise Legal Case Management System (ELCMS), consolidating information from other databases into the system, and moving it to a new enterprise platform, which is a platform that supports Agency-wide usage for Agency administrative legal proceedings. The purpose of the modified system is to manage the administrative adjudicatory proceedings held before the Agency through docketing, filing, case tracking, and document management and storage. Litigants, Agency attorneys and judges, and other interested parties may submit a variety of documents to the system, including pleadings, motions, briefs, exhibits, orders, hearing transcripts and initial decisions.

DATES: Persons wishing to comment on this system of records notice must do so by March 25, 2022. New or modified routine uses for this modified system of records will be effective March 25, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2014–0197, by one of the following methods:

Federal eRulemaking Portal: https://www.regulations.gov. Follow the online instructions for submitting comments.

Email: docket_oms@epa.gov. Include the Docket ID number in the subject line of the message.

Fax: 202–566–1752.

Mail: OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Hand Delivery: OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2014–0197. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through *https://www.regulations.gov.* The *https://www.regulations.gov* website is an ''anonymous access'' system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Docket: All documents in the docket are listed in the *https://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *https://www.regulations.gov* or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OMS Docket is (202) 566–1752.

Temporary Hours During COVID–19

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Hardy, Director, Administrative IT Systems Support Staff, Senior Information Technology Leader, Office of Mission Support, U.S. Environmental Protection Agency, Room 3352–L, WJC North—Mailcode 3102A, 1200 Pennsylvania Avenue, Washington, DC 20460, *hardy.michael@epa.gov,* 202–564–7899, Nicole Williams, Office of Mission Support, U.S. Environmental Protection Agency, Room 3352–P, WJC North—Mailcode 3102A, 1200 Pennsylvania Avenue, Washington, DC 20460, *williams.nicole@epa.gov,* 202–564–4026.

SUPPLEMENTARY INFORMATION: EPA is modifying the Case Records System by renaming it to the Enterprise Legal Case Management System (ELCMS). EPA is also consolidating information from other databases into the system to modernize legacy applications under a single platform. The Agency conducts hearings and renders decisions in proceedings between the EPA and persons, businesses, government entities, and other organizations which are regulated, or alleged to be regulated, under environmental laws.

ELCMS is a docketing, filing, case tracking, and document management system used for these proceedings. The system is maintained by the Office of Mission Support in Washington, DC and consists of electronic documents stored in a password-protected computer database. The system is accessible to Agency employees in connection with the performance of their authorized duties.

SYSTEM NAME AND NUMBER:

Enterprise Legal Case Management System (ELCMS), EPA–66.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Electronic records are maintained by the Office of Mission Support (OMS), at EPA Headquarters, 1200 Pennsylvania Avenue NW, Washington, DC 20460 and national servers are located at the EPA National Computer Center (NCC) in Research Triangle Park, NC 27711.

SYSTEM MANAGER(S):

Michael Hardy, Director, Strategic IT Investment Staff, Senior Information Technology Leader, Office of Mission Support, U.S. Environmental Protection Agency, Room 3352–L, WJC North—Mailcode 3102A, 1200 Pennsylvania Avenue, Washington, DC 20460, 202–564–7899, *hardy.michael@epa.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 11001 *et seq.* (Emergency Planning & Community Right-to-Know Act (EPCRA)); 42 U.S.C. 6901 *et seq.* (Resource Conservation and Recovery Act (RCRA)); 15 U.S.C. 2601 *et seq.* (Toxic Substances Control Act (TSCA)); 7 U.S.C. 136 *et seq.* (Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)); 42 U.S.C. 9601 *et seq.* (Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)); 33 U.S.C. 1251 (Federal Water Pollution Control Act (FWPCA), commonly known as the Clean Water Act (CWA)); 42 U.S.C. 7401 (Clean Air Act (CAA)); 40 CFR 22.4 (Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits).

PURPOSE(S) OF THE SYSTEM:

The information in ELCMS is primarily used by Agency judges, attorneys and clerks to render determinations with respect to matters before them and to communicate the determinations to the appropriate individuals and organizations, as well as to the general public. Litigants, Agency attorneys and judges, and other interested parties may submit a variety of documents to the system, including pleadings, motions, briefs, exhibits, orders, hearing transcripts and initial decisions. When fully implemented, the electronic filing portion of the system will provide for online filing, tracking, and accounting of filings (*e.g.,* pleadings, motions, briefs, exhibits, orders, and determinations) in all cases, both pending and archived. Other purposes of the system and the information contained therein, include:

- Responding to Freedom of Information Act requests;
- providing management information necessary to assess workload, assign incoming cases and monitor case progress;
- allowing individual judges to monitor the progress of assigned cases;
- providing ready access to case docketing information to support staff to enable timely response to complainants, government and private counsel, and respondents concerning the status of a particular case; and
- promoting transparency by providing public access to Agency litigation documents.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

This system covers any person, including individuals, or their representative, who create a profile or whose information is contained in any document filed the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contained in this system may include but are not limited to: names, addresses, social security numbers, medical and/or financial information.

RECORD SOURCE CATEGORIES:

The sources of data within ELCMS are from documents submitted by parties to the administrative proceedings, to include briefs, motions, exhibits, and by judges presiding over the hearings and regional clerks, to include orders and initial decisions.

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

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (*86 FR 62527*): A, E, F, G, H, K, L, and M.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records are maintained electronically on computer storage devices located at the EPA, and Administrative IT System Support Staff of OMS, manage the system which is stored at the National Computer Center (NCC) in Research Triangle Park, North Carolina in secure, access-controlled rooms, areas, and buildings. Backup files will be maintained at a disaster recovery site. Computer records are maintained in a secure password protected environment. Permission level assignments will allow users access only to those functions for which they are authorized. There are no paper records generated by this system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Cases are retrieved by the name of the business entity or parties to a particular case, or the case docket number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records will be maintained under EPA Records Schedules 508, 509, and 510.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Security controls used to protect personal sensitive data in Enterprise Legal Case Management System are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800–53, ''Security and Privacy Controls for Information Systems and Organizations,'' Revision 5.

1. Administrative Safeguards: EPA personnel are required to complete annual agency Information Security and Privacy training. EPA personnel are instructed to lock their computers when they leave their desks.

2. Technical Safeguards: Electronic records are maintained in a secure, password protected electronic system. ELCMS access is limited to authorized, authenticated users integrated with the Agency's single-sign-on. This integration uses the user's LAN credentials to identify the user prior to granting access to the platform and ELCMS. All of the system's electronic communication utilizes the agency's Trusted Internet Connection (TIC).

3. Physical Safeguards: All records are maintained in secure, access-controlled areas or buildings.

RECORD ACCESS PROCEDURES:

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.,* access). Requests must include: (1) The name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of them by mail is desired; and (4) proof of identity. A full description of EPA's Privacy Act procedures for requesting access to records is available at 40 CFR part 16.

CONTESTING RECORDS PROCEDURES:

Requests for correction or amendment must include: (1) The name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of EPA's Privacy Act procedures for the correction or amendment of a record are described in EPA's Privacy Act regulations at 40 CFR part 16.

NOTIFICATION PROCEDURES:

Individuals who wish to be informed whether a Privacy Act system of records maintained by EPA contains any record pertaining to them, should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or by email at:

privacy@epa.gov. A full description of EPA's Privacy Act procedures is included in EPA's Privacy Act regulations at 40 CFR part 16.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Federal Register Volume 79, Number 180 (Wednesday, September 17, 2014) [Notices] [Pages 55794–55796] From the **Federal Register** Online via the Government Publishing Office [*www.gpo.gov*] [FR Doc No: 2014–22164]

Vaughn Noga,

Senior Agency Official for Privacy.

[FR Doc. 2022–03832 Filed 2–22–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2021–0839; FRL–9576–01–OCSPP]

Pesticide Registration Maintenance Fee: Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit III, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

DATES: The cancellations are effective February 23, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Yanchulis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2951; email address: *yanchulis.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for these actions, identified by docket identification (ID) number EPA–HQ–OPP–2021–0839, is available at *http://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 (202) 566–1744.

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

II. Background

This cancellation order follows a December 7, 2021, **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit III, to voluntarily cancel these product registrations. In the December 7, 2021, notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments. The registration numbers below were listed in the December 7, 2021, notice but were listed in another request to cancel **Federal Register** notice so are not listed in this notice. The products and **Federal Register** Notice are: **Federal Register** of April 10, 2017 (82 FR 17253; FRL–9950–38): 241–383, 241–395, 241–410, 241–411, and 241–419. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

Section 4(i)(5) of FIFRA (7 U.S.C. 136a–1(i)(5)) requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under FIFRA section 3 (7 U.S.C. 136a) as well as those granted under FIFRA section 24(c) (7 U.S.C. 136v(c)) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

Under FIFRA, the EPA Administrator may reduce or waive maintenance fees for minor agricultural use pesticides when it is determined that the fee would be likely to cause significant impact on the availability of the pesticide for the use.

In fiscal year 2021, maintenance fees were collected in one billing cycle. On December 1, 2020, all holders of either FIFRA section 3 registrations or FIFRA section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. They were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most responses were received by the statutory deadline of January 15, 2021. A notice of intent to cancel was sent in September of 2021 to companies who did not respond and to companies who responded but paid for less than all their registrations. Since mailing the notices of intent to cancel, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered.

In fiscal year 2021, the Agency has waived the fees for 335 minor agricultural use registrations at the request of the registrants. Maintenance fees have been paid for about 17,467 FIFRA section 3 registrations, or about 98% of the registrations on file in October 2020. Fees have been paid for about 1,996 FIFRA section 24(c) registrations, or about 95% of the total on file in October 2020. Cancellations for non-payment of the maintenance fee affect 148 FIFRA section 3 registrations and 23 FIFRA section 24(c) registrations. These cancellations can be found in Table 4 below. Cancellations for companies paying the fee at one of the capped payment amounts are considered voluntary cancellations since the registration could be maintained without an additional fee payment. These cancellations are subject to a 30-day comment period and are listed in Table 1 below.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until 1 year after the date on which the fee was due. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold, or used legally until they are

exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the United States, and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation order.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through special reviews or other Agency actions. These general provisions for disposition of stocks should serve in most cases to cushion the impact of these cancellations while the market adjusts.

III. What action is the Agency taking?

This notice announces the cancellation, as requested by registrant, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name
100–1078	100	Scimitar CS Insecticide.
100–1163	100	Suprend Herbicide.
228–611	228	Proclipse 0.2% Fertilizer.
228–614	228	Proclipse 1.0% Fertilizer.
241–319	241	Image 70 DG.
241–438	241	Bas 711 02H Herbicide.
279–3358	279	F7954 Ornamental Insecticide/Miticide.
279–3553	279	Zoro Miticide/Insecticide.
279–3554	279	Abamectin CHA 2071.
499–371	499	Whitmire Pt 120 XLO Sumithrin Contact Insecticide.
499–376	499	Whitmire PT 1810 Total Release Insecticide.
499–426	499	Whitmire TC 114 Emulsifiable Concentrate.
499–443	499	Whitmire TC 161 Injection System.
499–471	499	Whitmire Micro-Gen TC200 Injection System.
499–485	499	TC 218.
499–489	499	TC 62.
499–523	499	TC 260.
499–538	499	TC 130 GEN II.
524–650	524	M1838 Growth Regulator.
524–652	524	M1839 Growth Regulator.
538–279	538	Miracle-Gro (R) Weed & Feed.
1021–1602	1021	Pyrocide Flea & Tick Dip 7407.
1677–241	1677	Hydris.
1706–112	1706	Nalcon 7619.
1706–201	1706	H–510–M Microbiocide.
1839–120	1839	Humidifier Bacteria-Algae Treatment.
1839–152	1839	BTC 1010 7.5% Solution.
2596–22	2596	Hartz 2 In 1 Rid Flea Dog Shampoo.
2693–61	2693	Interlux Interpoxy Bottomkote 559 Green.
2693–64	2693	Red Hand Antifouling Bottom Paint 50 Red.
2693–144	2693	Ultra-Kote 2449H Red.
2693–177	2693	Interclene XMH242 Red.
2693–178	2693	Interspeed BWA360 Red.
2693–217	2693	Intersmooth 460 HS BEAO47 Red.
2724–825	2724	RF2180 KC A/T Combo.
3432–57	3432	L-Clor.
3862–178	3862	Tek-Phene.
3862–179	3862	Opti-Phene Cleaner Disinfectant Deodorant.
5383–155	5383	Troy EX2270.
5383–158	5383	Mergal 187.
5383–177	5383	Fungitrol 400 PVC Fungicide.
5383–181	5383	Nuosept BMC 422.
5481–163	5481	Alco Weed Killer Contact.
5481–167	5481	Wettable Sulfur Agricultural Insecticide-Fungicide.
5481–273	5481	Royal 70 Superior Spray Oil.
5481–494	5481	Chlorethoxyfos 2.5G Granular Insecticide.
5481–502	5481	Ambush 25W Insecticide.
5481–540	5481	Wisdom 0.069% RUP Insecticide.
5481–552	5481	Bidrin XP.
5481–555	5481	Wisdom 0.1% RUP Insecticide.
5481–556	5481	Wisdom 0.10% Granular Insecticide.
5481–557	5481	Wisdom 0.05% Granular Insecticide.
5481–558	5481	Wisdom 0.05% RUP Insecticide.
5481–560	5481	Smartchoice 2.5G.
5481–588	5481	Wisdom 0.2% RUP Granular Insecticide.
5481–593	5481	Wisdom 0.2% Granular Insecticide.
5481–8980	5481	Phorate 20 G.
5481–9029	5481	Aztec 2.1% G Insecticide.
5481–9032	5481	Aztec 3.78% Granular Insecticide.
5736–103	5736	D'Germ Clinging Toilet Bowl Cleaner.
5785–48	5785	Terr-O-Gas 50.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name
5785–52	5785	67–33.
5785–58	5785	Chloropicrin.
7173–294	7173	Rozol Pocket Gopher Bait III.
7401–9	7401	Ferti-Lome Dormant Spray and Summer Oil Spray.
7401–443	7401	Ferti-Lome Scalecide.
7969–263	7969	Bas 556 01F Fungicide.
7969–296	7969	Stamina F3 HL Fungicide Seed Treatment.
7969–317	7969	Segment Herbicide.
7969–343	7969	Cyfluthrin Encapsulated Residual Insecticide Spray.
8329–94	8329	Merus 2.0.
8660–12	8660	Herbicide Granules Formula A.
9688–84	9688	Chemsico Lawn & Garden Insect Control.
9688–85	9688	Chemsico Home Insect Control C.
9688–120	9688	Chemsico Concentrate MP.
9688–122	9688	Chemsico Aerosol MP.
9688–149	9688	Chemsico Insecticide Concentrate 57P.
9688–184	9688	Chemsico Fire Ant Killer PD.
9688–200	9688	Chemsico Insect Granules Formula C.
9688–201	9688	Chemsico Home Insect Control G.
9688–202	9688	Chemsico Insecticide Concentrate C.
9688–203	9688	Chemsico FAK Formula C.
9688–257	9688	Chemsico Insecticide Dust D.
9779–303	9779	Trust 4EC.
9779–326	9779	Trific 10G.
9779–341	9779	Trific 2L.
10807–144	10807	Misty EX–IT Emulsifiable Concentrate.
10807–149	10807	Misty 2 Plus 2.
10807–205	10807	Misty Repco Kill III.
10807–207	10807	Misty EX–IT CF.
12455–72	12455	5% Warfarin Concentrate.
19713–50	19713	Drexel Carbaryl 80S.
19713–53	19713	Drexel Carbaryl 10D.
19713–84	19713	Drexel Carbaryl 95 Sprayable.
19713–89	19713	Drexel Carbaryl 2L.
19713–212	19713	Drexel Carbaryl 10D (10% Sevin Dust).
19713–213	19713	Drexel Carbaryl 5D (5% Sevin Dust).
19713–244	19713	Drexel Carbaryl 80 Dust Base.
19713–363	19713	Drexel Carbaryl 85 Sprayable.
34704–843	34704	Amplify.
34704–921	34704	Thiofan 8 Methyl 4.5 Fungicide.
34704–935	34704	Dyna-Shield Captan Fungicide.
34704–980	34704	Dyna-Shield Tebuconazole—Thiram Flowable Fungicide.
34704–996	34704	Agsco B–4 Herbicide.
34704–1007	34704	LPI Thio-M 70 WSB.
34704–1008	34704	LPI Thio-M Ag 4.5F.
42750–227	42750	Thiabendazole 98% MP.
45458–17	45458	Trichlor 1″ Tablets.
45458–18	45458	Trichlor 3″ Tablets.
45458–20	45458	Dichlor Granular.
45458–21	45458	60% Non-Foaming Algaecide.
45458–22	45458	30% Non-Foaming Algaecide.
53871–3	53871	Stimukil Fly Bait.
63838–27	63838	Q–D50.
69681–32	69681	Clor Mor Trigran.
70060–4	70060	Aseptrol Dry Carpet Sanitizer 7L.
70299–3	70299	Terracyte.
70506–281	70506	Hawk-1 N/O G.
70506–550	70506	Hi-Moly/Captan-D (Formerly Reg. No. 400–557).
70506–551	70506	Kernel Guard Supreme (Formerly Reg. No. 400–560).
70506–577	70506	Meta-Mil Fungicide (Formerly Reg. No. 400–485).
70506–589	70506	Protector D (Formerly Reg. No. 400–562).
74530–76	74530	Helosate 75 SG Pro Herbicide.
74530–82	74530	Helm Sulfentrazone 4F–CA.
83529–22	83529	Shar-Guard.
83529–33	83529	Shotaran 4SC.
83529–39	83529	Flufenacet 500 SC Herbicide.
83529–56	83529	Sharda Metolachlor 86.4EC.
87373–19	87373	ARG221.05.
89459–23	89459	Prentox Prenfish Toxicant.
91234–201	91234	A335.06.
AL070005	279	Zoro Miticide/Insecticide.
AL190002	100	A21472 Plus Vaporgrip Technology.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name
AR810050	5481	Orthene 75 S Soluble Powder.
AZ030002	5481	Orthene 97 Pellets.
AZ130001	12455	Final Soft Bait.
AZ920008	5481	Orthene 75 S Soluble Powder.
CA010013	73049	Promalin Plant Growth Regulator Solution.
CA010014	73049	Pro-Gibb 4% Liquid Concentrate.
CA010015	73049	Pro-Gibb 4% Liquid Concentrate.
CA010028	5481	Metam 426.
CA030014	66222	Diasol AG 500.
CA070007	73049	Retain Plant Growth Regulator Soluble Powder.
CA080023	73049	Provide 10SG Plant Growth Regulator.
CA130007	12455	Agrid3 Blox.
CA150003	10324	Maquat 615–HD.
CA180003	73049	Maxcel.
FL030001	73049	Pro-Gibb 4% Liquid Concentrate.
FL030005	5481	Ambush 25W Insecticide.
FL150004	66222	Fluensulfone 480EC.
GA060006	62719	Indar 75WSP.
GA070002	62719	Indar 75WSP.
GA070003	279	Zoro Miticide/Insecticide.
GA190003	7969	Engenia Herbicide.
GA190006	100	A21472 Plus Vaporgrip Technology.
HI080002	7173	Rozol Pellets.
HI100001	73049	Retain Plant Growth Regulator Soluble Powder.
HI130001	73049	Protone SG.
IA190002	7969	Engenia Herbicide.
IA200001	100	A21472 Plus Vaporgrip Technology.
IA970001	100	AATREX 4L Herbicide.
ID010016	5481	Orthene 75 S Soluble Powder.
ID060025	5481	Orthene 97.
ID070008	279	Brigade 2EC Insecticide/Miticide.
ID080002	279	Zoro Miticide/Insecticide.
ID090012	71512	Omega 500F.
ID100003	10163	Moncut 70–DF.
ID110001	7173	Rozol Vole Bait.
ID140004	5481	Parazone 3SL.
ID150009	5481	Abba Ultra Miticide/Insecticide.
ID830009	100	AATREX Nine—O Herbicide.
IL070005	100	Dual Magnum.
IL100003	100	Dual Magnum Herbicide.
IL110001	5481	Dupont Assure II Herbicide.
IL190003	7969	Engenia Herbicide.
IL190005	100	A21472 Plus Vaporgrip Technology.
IN200001	7969	Engenia Herbicide.
IN200004	100	A21472 Plus Vaporgrip Technology.
KS030003	100	AATREX 4L Herbicide.
KS060001	12455	ZP Rodent Bait AG.
KS080002	12455	ZP Rodent Oat Bait AG.
KS100002	33270	Sentry Atrazine 4L Herbicide.
KS120004	12455	ZP Rodent Oat Bait AG.
KS130004	33270	US Sentry Atrazine 4L Herbicide.
KS130005	33270	US Sentry Atrazine 90DF.
KS190001	7969	Engenia Herbicide.
LA190003	100	A21472 Plus Vaporgrip Technology.
MD080004	70506	Dupont Manzate Pro-Stick Fungicide.
MI140010	279	Aim EC.
MI180003	60063	Echo 90DF.
MI180004	60063	Echo 720.
MN030010	60063	Echo 720 Agricultural Fungicide.
MN030011	60063	Echo ZN Agricultural Fungicide.
MN090005	100	Warrior II with Zeon Technology.
MN100002	71512	Omega 500F.
MN120001	100	Dual Magnum Herbicide.
MN190002	7969	Engenia Herbicide.
MN190004	100	A21472 Plus Vaporgrip Technology.
MN200002	7969	Engenia Herbicide.
MN200004	100	A21472 Plus Vaporgrip Technology.
MO000002	5785	Meth-O-Gas 100.
MO080004	70506	Dupont Manzate Pro-Stick Fungicide.
MS040005	279	NUFOS 4E.
MS070002	279	Zoro Miticide/Insecticide.
MT070004	279	Brigade 2ec Insecticide/Miticide.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name
MT150001	5481	Thimet 20–G.
NC080003	70506	Penncozeb 75DF.
NC120002	66222	Cotoran 4L.
NC150005	5481	Parazone 3SL.
NC180005	7969	Engenia Herbicide.
NC190002	100	A21472 Plus Vaporgrip Technology.
NC190006	7969	Engenia Herbicide.
NC920001	5481	Counter Systemic Insecticide-Nematicide.
ND030016	60063	Echo 720 Agricultural Fungicide.
ND030017	60063	Echo ZN Agricultural Fungicide.
ND100002	71512	Omega 500F.
ND190002	7969	Engenia Herbicide.
ND190006	100	A21472 Plus Vaporgrip Technology.
ND190008	7969	Engenia Herbicide.
ND190009	100	A21472 Plus Vaporgrip Technology.
ND200001	7969	Engenia Herbicide.
ND200004	100	A21472 Plus Vaporgrip Technology.
NE140002	1381	Carnivore Herbicide.
NJ000005	5481	Orthene 97 Pellets.
NJ960004	5481	Orthene 75 S Soluble Powder.
NM150003	74530	Helmquat 3SL.
NV050001	5481	Discipline 2EC.
NV070006	279	Brigade 2EC Insecticide/Miticide.
NV080001	279	Zoro Miticide/Insecticide.
NV090001	5481	Abba 0.15EC.
NY080010	70506	Kraken.
NY080014	70506	Redwing.
NY180002	5481	Deadline Bullets.
OH000007	5481	Orthene 97 Pellets.
OH110002	100	Dual Magnum Herbicide.
OK190001	7969	Engenia Herbicide.
OK830003	100	AATREX 4L Herbicide.
OK830029	100	AATREX 4L Herbicide.
OK830030	100	AATREX Nine-0.
OK920007	100	AATREX 4L Herbicide.
OK920008	100	AATREX Nine-0.
OR040008	100	AATREX Nine-0 Herbicide.
OR050005	5481	Discipline 2EC.
OR050006	100	Touchdown Hitech.
OR140009	5481	Parazone 3SL.
OR150001	70506	Lifeline Herbicide.
OR150011	5481	Abba Ultra Miticide/Insecticide.
PA170002	1381	Dimetric DF 75%.
PA930004	5481	Orthene 75 S Soluble Powder.
PR110002	5481	Dupont Assure II Herbicide.
PR910002	5481	Orthene 75 S Soluble Powder.
SD190002	7969	Engenia Herbicide.
SD190006	100	A21472 Plus Vaporgrip Technology.
TN070002	279	Zoro Miticide/Insecticide.
TN080007	70506	Dupont Manzate Pro-Stick Fungicide.
TN080009	70506	Penncozeb 75DF.
TN140003	70506	Manzate Pro-Stick Fungicide.
TX000006	100	Tilt Fungicide.
TX080004	279	Command 3ME Herbicide.
TX100006	5481	Orthene Turf, Tree & Ornamental 97 Spray.
TX170007	67690	Captain Liquid Copper Algaecide.
TX190002	7969	Engenia Herbicide.
UT070006	279	Brigade 2ec Insecticide/Miticide.
UT090002	279	Zoro.
UT140003	59639	Zeal WP Miticide.
UT170001	5481	Parazone 3SL Herbicide.
VA080004	70506	Dupont Manzate Pro-Stick Fungicide.
VA870007	5481	Orthene 75 S Soluble Powder.
VA920003	5481	Orthene 75 S Soluble Powder.
VA930005	5481	Orthene 75 S Soluble Powder.
WA070017	279	Brigade 2EC Insecticide/Miticide.
WA080003	279	Zoro Miticide/Insecticide.
WA120004	7969	Ignite.
WA150005	74530	Ro-Neet Herbicide.
WA150006	74530	Ro-Neet Herbicide.
WA200002	34704	Atrazine 4L.
WA930001	5481	Dupont Krovar I DF Herbicide.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name
WI100001	60063	Echo 720 Agricultural Fungicide.
WI100002	60063	Echo ZN.
WI150001	279	Aim EC.
WI160003	60063	Echo ZN.
WI160004	60063	Echo 720.
WI160005	60063	Echo 90DF.
WI160006	71512	Omega 500F.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419.
228	Nufarm Americas, Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27560.
241	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
400	Macdermid Agricultural Solutions, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
499	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
524	Bayer CropScience LP, 800 N Lindbergh Blvd., St. Louis, MO 63141.
538	The Scotts Company, 14111 Scottslawn Road, Marysville, OH 43041.
1021	McLaughlin Gormley King Company, d/b/a MGK, 7325 Aspen Lane N, Minneapolis, MN 55428.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164.
1677	Ecolab, Inc., 1 Ecolab Place, St. Paul, MN 55102.
1706	NALCO Company, LLC, A Subsidiary of Ecolab, Inc., 1601 West Diehl Road, Naperville, IL 60563.
1839	Stepan Company, 22 W Frontage Road, Northfield, IL 60093.
2596	The Hartz Mountain Company, 400 Plaza Drive, Secaucus, NJ 07094.
2693	International Paint LLC, 6001 Antoine Drive, Houston, TX 77091.
2724	Wellmark International, 1501 E Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
3432	N. Jonas @ Co., Inc., P.O. Box 425, Bensalem, PA 19020.
3862	ABC Compounding Co., Inc. P.O. Box 16247, Atlanta, GA 30321.
5383	Troy Chemical Corp., c/o. Troy Corporation, 8 Vreeland Road, Florham Park, NJ 07932.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660.
5736	Diversey, Inc. P.O. Box 19747, Charlotte, NC 28219.
5785	LANXESS Corporation, 111 RIDC Park West Drive, Pittsburgh, PA 15275.
7173	Liphatech, Inc., 3600 W Elm Street, Milwaukee, WI 53209.
7401	Voluntary Purchasing Groups, Inc., 230 FM 87, Bonham, TX 75418.
7969	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
8329	Clarke Mosquito Control Products, Inc., 675 Sidwell Court, St. Charles, IL 60174.
8660	United Industries Corp., D/B/A SYLORR Plant Corp., P.O. Box 142642, St. Louis, MO 63114.
9688	CHEMSICO, A Division of United Industries Corp., One Rider Trail Plaza Drive, Suite 300, Earth City, MO 63045.
9779	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164.
10163	Gowan Company, 370 S Main Street, Yuma, AZ 85366.
10324	Mason Chemical Company, 9075 Centre Pointe Drive, Suite 400, West Chester, OH 45069.
10807	AMREP, Inc., 3330 Cumberland Blvd., Suite 700, Atlanta, GA 30339.
12455	Bell Laboratories, Inc., 3699 Kinsman Blvd., Madison, WI 53704.
19713	Drexel Chemical Company, P.O. Box 13327, Memphis, TN 38113.
33270	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632.
42750	Albaugh, LLC, 1525 NE 36th Street, Ankeny, IA 50021.
45458	Haviland Consumer Products, Inc., D/B/A Baleco International, 421 Ann Street NW, Grand Rapids, MI 49504.
53871	Troy Chemical Corp., c/o. Troy Corporation, 8 Vreeland Road, Florham Park, NJ 07932.
59639	Valent U.S.A. LLC, P.O. Box 5075, San Ramon, CA 94583.
60063	SIPCAM Agro USA, Inc., 2525 Meridian Pkwy., Suite 350, Durham, NC 27713.
62719	Corteva Agrosciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
63838	Enviro Tech Chemical Services, Inc., 500 Winmoore Way, Modesto, CA 95358.
66222	Makhteshim Agan of North America, Inc., D/B/A ADAMA, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
67690	SEPRO Corporation, 11550 N Meridian Street, Suite 600, Carmel, IN 46032.
69681	Allchem Performance Products, Inc., 6010 NW First Place, Gainesville, FL 32607.
70060	BASF Corporation, 100 Park Avenue, Florham Park, NJ 07932.
70299	Biosafe Systems, LLC, 22 Meadow Street, East Hartford, CT 06108.
70506	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
71512	ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077.
73049	Valent Biosciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048.
74530	Helm Agro US, Inc., 401 E Jackson Street, Suite 1400, Tampa, FL 33602.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA company No.	Company name and address
83529	Sharda USA LLC, c/o Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
87373	Argite, LLC, 5000 Centregreen Way, Suite 100, Cary, NC 27513.
89459	Central Garden & Pet Company, 1501 East Woodfield Road, Suite 200W, Schaumburg, IL 60173.
91234	Atticus, LLC, 5000 Centregreen Way, Suite 100, Cary, NC 27513.

Table 3 of this unit lists all the FIFRA section 3 and section 24(c) registrations which were canceled for non-payment of the 2020 maintenance fee. These registrations have been canceled by order on December 21, 2020, and without hearing.

TABLE 3—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2020 MAINTENANCE FEE

Registration No.	Company No.	Product name
70–223	70	RIGO EXOTHERM TERMIL.
192–210	192	DEXOL SYSTEMIC GRANULES FOR PLANT INSECT CONTROL.
192–221	192	ULTRASTOP HOME INSECT KILLER II.
748–285	748	PITTABS–G70.
1022–590	1022	WOODGUARD XL.
1043–124	1043	HASTE–SSD–COMPONENT B.
1043–125	1043	HASTE–SSD—COMPONENT A.
1769–159	1769	FENOCIL III.
3095–20201	3095	PIC BORIC ACID ROACH KILLER III.
5185–323	5185	BIOGUARD MASTER LITHIUM HYPOCHLORITE.
5464–1	5464	BENZ–ALL TINTED.
6466–12	6466	KITCHEN KLENZER.
6959–95	6959	CESSCO AGRO–5.
7675–1	7675	FORMULA 2.
9215–11	9215	ALL CLEAR 3" TABLETS JUMBO CHLORINATING TABLETS2.
9279–3	9279	SANTIMINE—150.
9404–55	9404	SUNNILAND OUR BEST QUALITY WEED & FEED.
9404–56	9404	SUNNILAND WEED & FEED FOR ST. AUGUSTINE LAWNS.
10350–60	10350	VWX–42 TECHNOLOGY PROPYLENE GLYCOL MONOCAPRYLATE.
10350–61	10350	VWX–42 Technology PEP1.
10350–64	10350	VWX–42 TECHNOLOGY GLYCEROL MONOCAPRATE.
10350–65	10350	VWX–42 TECHNOLOGY GLYCEROL MONOLAURATE.
10350–66	10350	VWX–42 TECHNOLOGY PROPYLENE GLYCOL MONOCAPRATE.
10350–68	10350	VWX–42 TECHNOLOGY GLYCEROL MONOCAPRYLATE.
11930–2	11930	OMEGO MIST 30–30 MAC.
11930–3	11930	OMEGO MIST OSC.
11930–12	11930	OPTI MIST 30 30 ULV E.C.
39775–3	39775	FUMITE PERMETHRIN SMOKE.
42177–2	42177	OLYMPIC KLEAR OUT.
42177–26	42177	OLYMPIC GRANULAR 90.
43759–20001	43759	AB–CHEM.
44446–64	44446	QUEST REVENGE INSECT KILLER.
44891–13	44891	SEA HAWK PREMIUM QUALITY TROPIKOTE BIOCIDE PLUS SLIME RESISTANT ANTIFOULING COA.
44891–14	44891	SEA HAWK PREMIUM QUALITY CUKOTE BIOCIDE PLUS SLIME RESISTANT ANTIFOULING COATIN.
45309–5	45309	AQUA CLEAR RAPID SHOCK.
45309–13	45309	SPA CLEAR SPA CHLOR FORMULA II.
45309–58	45309	AQUA CHLOR CHLORINATING SANITIZER.
46197–2	46197	Anti-Mosquito Paint.
48242–1	48242	RAM GRANULAR.
48242–2	48242	RAM 1″ TABLETS.
48242–4	48242	RAM 3″ TABLETS.
50073–2	50073	AGRO ROACH TABLETS.
50600–4	50600	SHEPARD BROTHERS SKLORON 500.
50600–10	50600	WASCO BRAND WASACLOR.
51517–10	51517	BIOLINK FUNGICIDE.
52374–13	52374	SODIUM HYPOCHLORITE 12.5% MUP.
53254–1	53254	OXIDAN TCA.
53254–3	53254	OXIDAN DCN/W.
53345–14	53345	ERCOPURE 25.
53345–19	53345	SODIUM CHLORITE SOLUTION 7.5.
53345–20	53345	SODIUM CHLORITE SOLUTION 15.
53345–21	53345	ERCOPURE 37.

TABLE 3—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2020 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name
53345–23	53345	ERCOPURE 31.
53431–14	53431	CHEMCAL 1512.
53575–42	53575	ISOMATE CM MIST.
53575–53	53575	ISOMATE CM/LR Mist.
54137–1	54137	CLANDOSAN 618.
54705–10	54705	BI–CARB OLD FASHIONED FUNGICIDE.
55392–3	55392	MANNA PRO FLY–B–GONE MINERAL BLOCK.
56228–32	56228	M–44 CYANIDE CAPSULES ARCTIC FOX.
56652–1	56652	CHLORINE GAS (LIQUEFIED UNDER PRESSURE) NON–FLAMMABLE.
58779–5	58779	ENVIROSYSTEMS ETHYLENE OXIDE STERILANT.
59106–10	59106	Bio-Clear G50A Antimicrobial.
64137–9	64137	MYCOSTOP G BIOFUNGICIDE.
64137–11	64137	PRESTOP.
64715–1	64715	VEDEXIL–DM/K.
66750–1	66750	DELSACLOR 55.
66750–2	66750	DELSACLOR 60.
67071–37	67071	MICROCARE ITL.
67071–44	67071	ACTICIDE IM.
67071–85	67071	ACTICIDE LPN 1.
67212–1	67212	BBJ MICROBIOCIDE.
67262–12	67262	RWP MASTER LITHUIM HYPOCHLORITE.
67727–5	67727	1,4PEEP.
68338–2	68338	Lavo 6.
68338–7	68338	Lavo 8.
68338–8	68338	Lavo 9.
69836–1	69836	ECOSHARP WEED & GRASS KILLER.
69836–2	69836	ECOSHARP WEED & GRASS KILLER READY TO USE.
70127–13	70127	Mitaxion EC.
70127–14	70127	Mitaxion EX G.
70127–15	70127	Mitaxion G.
70127–16	70127	MITAXION TECHNICAL.
70870–3	70870	AGRICURE RTU.
71532–7	71532	LG PERMETHRIN TECHNICAL PH INSECTICIDE.
71532–23	71532	LAMBDASTAR 9.7% CS.
71532–32	71532	PERMETHRIN MUP INSECTICIDE.
71788–1	71788	DRI–OUT INSECTICIDE.
71814–1	71814	STERCID (Reinstated in 2019 due to EPA error and cancelled correctly in 2020).
72159–7	72159	GLY PHO–SEL PRO 41% HERBICIDE.
72159–13	72159	AGRISEL CARBAIT 5.
72159–14	72159	AGRISEL GLY PHO–SEL PRO 41% HERBICIDE WITH SURFACTANT.
73660–1	73660	HEBEI JIHENG 56.
73660–2	73660	HEBEI JIHENG 60.
73660–3	73660	HEBEI JIHENG 90.
73660–4	73660	HEBEI JIHENG 56 SHOCK.
73660–5	73660	HEBEI JIHENG 60 SHOCK.
73660–6	73660	HEBEI JIHENG POOL AND SPA.
73771–6	73771	FUNGI–PHITE DF MUP.
73771–7	73771	FUNGI–PHITE DF.
73771–8	73771	MANCO–PHITE DF.
73771–9	73771	FUNGI–PHITE MUP.
74032–1	74032	S–METHOPRENE TECHNICAL R–ST SM INSECT GROWTH REGULATOR.
74267–5	74267	PHOMA TECH.
74267–6	74267	PHOMA H.
74267–7	74267	PHOMA P.
74655–28	74655	DREW 3025 PRECURSOR.
74681–14	74681	SPC 99.
74681–15	74681	SHELTER ISLAND.
74779–12	74779	MYCLOBUTANIL 20 EW.
81927–14	81927	ALLIGARE CLOPYRALID 3.
81927–27	81927	CRUISE CONTROL.
81927–46	81927	ALLIGARE ORYZALIN 4.
81927–47	81927	ALLIGARE DICAMBA DGA 4SC.
81927–48	81927	ALLIGARE TRICLOPYR 4E.
81927–52	81927	ALLIGARE 8% COPPER.
82542–4	82542	TEBUCONAZOLE TECHNICAL.
82542–9	82542	TEBUCONAZOLE 45 DF FUNGICIDE.
82542–27	82542	TEBUCONAZOLE 3.6F FUNGICIDE.
82542–30	82542	TEBUCONAZOLE 3.6F T&O FUNGICIDE.
82542–31	82542	TEBUCONAZOLE 3.6F AG FUNGICIDE.
82544–1	82544	SILVER ASSEMBLY WITH WASHING MACHINE.
82544–2	82544	SILVER ASSEMBLY.

TABLE 3—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2020 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name
82760–8	82760	BCS 3252A.
82760–10	82760	BCS3152A.
83451–20	83451	BELLACIDE 303.
83451–26	83451	BELLACIDE 150.
83936–1	83936	HEZE HUAYI 56 DISINFECTING GRANULES.
83936–5	83936	HEZE HUAYI 56 EUP CHLORINATING COMPOSITION.
84229–12	84229	TIDE TEBU 3.6F FOLIAR FUNGICIDE.
84545–4	84545	PERADOX HC SOLUTION PART A.
84545–5	84545	PERADOX HC ACTIVATOR SOLUTION PART B.
84545–10	84545	STERIPLEX SD ACTIVATOR (PART B).
84545–11	84545	STERIPLEX SD (PART A).
84846–8	84846	CARBON POWER–CA.
84846–10	84846	OPTIFY 500.
84878–5	84878	CITRIODIOL.
85724–7	85724	BANDIT 480 SC.
85724–8	85724	TRESOR 500 EC.
85748–1	85748	SULFOCAT BK 50.
86130–2	86130	FLOWCHEM FCAF–001.
86130–4	86130	FLOWCHEM FCAF–014.
87506–1	87506	ENERFAB SC CARTRIDGE.
87584–4	87584	ZENITH GREEN 388.
87766–1	87766	ANT ZAP.
87845–6	87845	MCC 3-Way Fungicide.
88341–5	88341	PURECIDE 15.
88341–6	88341	PURECIDE 7.5.
88346–8	88346	POOLINE BROMINATING TABLETS.
88373–3	88373	DISIN–VET.
88810–1	88810	OBLITIROOT.
89187–4	89187	MD–CU29 4.
89461–1	89461	SHINER CHLORINATING TABLETS.
90132–2	90132	hychloHSD.
90332–1	90332	CY COP 6–30 WDG FUNGICIDE.
90332–2	90332	cY MANCO 4–40 WDG FUNGICIDE.
90470–1	90470	ENO CHLOR CAL HYPO GRANULES.
90607–3	90607	ASEPTICSURE OXIDATIVE CATALYST.
90643–1	90643	MULTIMICRO SALT.
91149–1	91149	P–6980C.
91209–4	91209	OXY 2.
91232–2	91232	FD PROPICONAZOLE 41.8 EC.
91232–3	91232	FD Tebuconazole 3.6F.
91620–1	91620	Indole-3-Butyric Acid Technical.
92060–1	92060	TRION SDIC DIHYDRATE TECHNICAL.
92115–2	92115	FBN Metri. 75% DF 1.
92115–4	92115	FBN Metri. 75% DF 2.
92115–5	92115	FBN Sulfentrazone 4F.
92115–10	92115	FBN 200.
92115–11	92115	FBN 118.
92115–12	92115	FBN 20.
92115–19	92115	FBN AZOXYPROP.
92115–20	92115	FBN AZOXYSTROBIN 2SL.
92374–1	92374	EFT–70/30.
92374–2	92374	EFT–90/10.
92822–1	92822	SUNSYS VALLOCOATAM–01.
92876–1	92876	Lyte Green Daily.
93236–1	93236	Roundup PRO Herbicide.
93236–2	93236	Roundup Custom for Aquatic & Terrestrial Use.
93236–3	93236	Roundup PROMAX Herbicide.
93236–4	93236	Roundup QuikPRO Herbicide.
93236–5	93236	Ranger PRO Herbicide.
93236–6	93236	Roundup PRO Concentrate Herbicide.
93236–7	93236	SC 78536 Herbicide.
93809–2	93809	Axill Solutions Fluazinam 500SC.
94485–1	94485	COMPANION LIQUID BIOLOGICAL FUNGICIDE.
94485–2	94485	Companion Biological Fungicide Wettable Powder.
94572–2	94572	HALOPURE WATER PURIFIER INSERT.
CA120004	90362	METHYL BROMIDE 100.
FL040001	63935	DUPONT ESCORT HERBICIDE.
HI160001	59807	MARATHON 1% GRANULAR GREENHOUSE AND NURSERY INSECTICIDE.
ME940006	9339	FLEXGARD X1 WATERBASE COPPER PAINT.
PA180001	65564	JMS STYLET–OIL.
PR160001	59807	MARATHON 1% GRANULAR GREENHOUSE AND NURSERY INSECTICIDE.

Table 4 of this unit lists all the FIFRA section 3 and section 24(c) registrations which were canceled for non-payment of the 2021 maintenance fee. These registrations have been canceled by order on January 18, 2022, and without hearing.

TABLE 4—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2021 MAINTENANCE FEE

Registration No.	Company No.	Product name
527–105	527	ML–27.
806–17	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 INSECT REPELLENT SPRAY GENTLE BREEZ.
806–18	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 INSECT REPELLENT SPF 15 SUN-SCREEN S.
806–20	806	AVON SKIN–SO–SOFT BUG GUARD PLUS IR3535 EXPEDITION INSECT REPELLENT.
806–21	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 EXPEDITION INSECT REPELLENT SPRAY.
806–22	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 ACTIVE INSECT REPELLENT GENTLE BREE.
806–23	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 ACTIVE INSECT REPELLENT GENTLE BREE.
806–24	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 INSECT REPELLENT SPF 15 SUN-SCREEN.
806–27	806	AVON SKIN–SO–SOFT SSS BUG GUARD PLUS IR3535 INSECT REPELLENT UNSCENTED.
1543–3	1543	WFY1502.
2382–185	2382	EFFIPRO TOPICAL SOLUTION FOR DOGS.
2382–186	2382	EFFIPRO TOPICAL SOLUTION FOR CATS.
2382–187	2382	EFFITIX TOPICAL SOLUTION FOR DOGS.
2686–3	2686	LIQUID CHLORINE.
2935–311	2935	SUPERIOR SPRAY OIL.
2935–398	2935	BT 320 DUST.
2935–399	2935	BT 320 SULFUR 25 DUST.
2935–405	2935	SUPREME OIL.
2935–427	2935	APRON FLOWABLE.
2935–458	2935	APRON TL.
2935–484	2935	CAPTAN 4000 FLOWABLE SEED PROTECTANT.
2935–501	2935	SPORAX.
2935–504	2935	SIGNAL DUSTING SULFUR.
2935–511	2935	LV 4.
2935–512	2935	AMINE 4 D.
2935–534	2935	SNOW PLUS.
2935–536	2935	CLEAN CROP CAPTAN 7.5 DUST FUNGICIDE.
2935–542	2935	VOLCK SUPREME SPRAY.
2935–544	2935	VALENT AG BASE LITE NEUTRAL.
2935–553	2935	BASE CAMP LV 6.
2935–558	2935	NU–FLOW CT.
4091–16	4091	FG1.
4091–17	4091	FG2.
6198–5	6198	FORMULA ISO B–T–F ISOCYANURATE SANITIZER.
6198–7	6198	B–T–F ISO–SAN DISINFECTANT–SANITIZER.
6218–24	6218	PERMACIDE PLUS.
7211–10	7211	PHENEEN SOLUTION.
8698–3	8698	PROPET FLEA & TICK DOG SHAMPOO.
8730–68	8730	HERCON DISRUPT MICRO–FLAKE VBN.
8996–10	8996	SIERRA INDUSTRIAL BLEACH 12.5% FOR MANUFACTURING USE.
9768–12	9768	T CHEM T–SAN SANITIZER AND DISINFECTANT.
13283–26	13283	RAINBOW INSECT TAG.
33427–8	33427	MITEO MAX II EC.
35255–20002	35255	BPS–POOL–CLEAR SODIUM HYPOCHLORITE SOLUTION.
40975–20004	40975	ACRO–KLO.
41846–20001	41846	COL–CHLOR (SODIUM HYPOCHLORITE).
43813–15	43813	SAFETRAY P.
43813–16	43813	WOCOSEN 250 EC.
44891–16	44891	SEA HAWK MISSION BAY COPPER–FREE ANTIFOULING COATING.
44891–17	44891	COPPER FREE WATERBORNE ANTIFOULING COATING.
44891–28	44891	AQUAGARD II ANTIFOULING SPRAY PAINT FOR OUTDRIVE & OUTBOARDS.
44891–29	44891	ARMOR ANTIFOULANT.
45337–6	45337	WINTER TREAT ALGICIDE.
46851–10	46851	PROSPRAY TM WIPES, DISINFECTANT TOWELETTES.
47091–12	47091	SM–10P INDUSTRIAL MICROBIOCIDE.
47265–6	47265	NOW MUP.
47332–7	47332	STAY–CLEAN I/E.
53575–39	53575	ISOMATE–OFM RING.
53575–47	53575	ISOMATE NOW MIST.
57242–7	57242	Asulam 4SL.
62097–30	62097	FALGRO LV.

TABLE 4—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2021 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name
62495–1	62495	EXCELEX BLEACH.
62495–2	62495	PETRA CHLOR XTRA.
62495–20002	62495	SODIUM HYPOCHLORITE SOL. 10%.
62577–6	62577	PRETTY PLEASE BUG KILL SHELF PAPER.
63269–2	63269	TMB 471W.
65460–1	65460	DIATOMIC EARTH.
66550–1	66550	BIRD SHIELD REPELLENT CONCENTRATE.
67071–82	67071	ACTICIDE SR 8278.
67071–90	67071	ACTICIDE LA 1205 M.
67071–92	67071	ACTICIDE LPN 3–F.
67071–106	67071	ACTICIDE GT 1–F.
67071–116	67071	ACTICIDE SR 6394.
67702–10	67702	SULFUR FUNGICIDE RTU.
67702–48	67702	IRONWORXX SLUG AND SNAIL GEL BAIT.
68543–2	68543	BENGAL INDOOR DRI–FOGGER II.
68543–8	68543	BENGAL WASP & HORNET KILLER 93.
68543–17	68543	BENGAL ROACH & ANT SPRAY IV.
68543–35	68543	BENGAL PRODUCT 2007A.
68592–1	68592	ADVANTAGE 1000.
69470–42	69470	ClearControl Glyphosate 41% Plus.
69470–43	69470	ClearControl Glyphosate 53.8%.
70087–2	70087	ZOONOCIDE FILTER MEDIA.
70252–8	70252	NATION'S AG METALAXYL TECHNICAL FOR SEED TREATMENT.
71297–7	71297	AF–600.
71297–8	71297	A17492F.
71297–11	71297	AF–2005.
71532–24	71532	METASTAR 2.65 SC.
72112–4	72112	GLYPHOSATE PRO 4TM.
72159–20	72159	Agrisel Bifenthrin Pro 2E Insecticide.
72315–4	72315	SODIUM HYPOCHLORITE 9.
72959–11	72959	DEGESCH MAGTOXIN GRANULES.
73178–1	73178	BIOPLUS ST.
74681–4	74681	COPPER PRO SCX.
80286–23	80286	DCEPT CLM PLUS.
80286–28	80286	SPLAT FAW GL3.
80286–30	80286	SPLAT FAW GL5.
81927–19	81927	ALLIGARE PANORAMIC 2SL HERBICIDE.
81987–1	81987	CHLORINE LIQUEFIED GAS UNDER PRESSURE.
84377–2	84377	BELLICIDE ISO.
84602–1	84602	MOLDBUSTER.
84610–2	84610	POLYGUARD–NSPW MASTER BATCH.
85290–1	85290	MICROGUARD I.
85290–2	85290	MICROGUARD II.
85290–3	85290	MICROGUARD III.
85290–4	85290	MICROGUARD IV.
85290–5	85290	MICROGUARD V.
85604–1	85604	ECO BRASS.
85678–52	85678	Acephate Technical.
85724–3	85724	LAMBDAKO 120EC.
85724–9	85724	AKOFOL 80 WG.
85787–1	85787	Deltamethrin 0.4% Incorporated Polyethylene Screen.
87845–8	87845	DELETE ULTRA.
87966–1	87966	DICHLOR 56 GRANULAR.
87978–1	87978	HELICOVERPA ZEA NUCLEOPOLYHEDROVIRUS.
87978–3	87978	SPODOPTERA FRUGIPERDA MULTIPLE NUCLEOPOLYHEDROVIRUS—3AP2.
88141–1	88141	DISINFX.
88343–1	88343	QUICK 75.
88615–1	88615	GREATAP 126.
88951–1	88951	PANAX 500 25.
88951–2	88951	PANAX 500 50.
88951–3	88951	PANAX 100 75.
89101–1	89101	TEFCITE.
89187–1	89187	MD–CU29 1.
89187–2	89187	MD–CU29 2.
89187–3	89187	MD–CU29 3.
89187–5	89187	MD–CU29 HVAC ANTIMICROBIAL COPPER.
89386–1	89386	COMPLETE CHOICE FLEA POWDER.
90234–1	90234	25% INSECT REPELENT SPRAY.
90234–2	90234	7% INSECT REPELLENT SPRAY.
90234–3	90234	15% INSECT REPELLENT AEROSOL.
90234–4	90234	25% INSECT REPELLENT AEROSOL.

TABLE 4—FIFRA SECTION 3 AND SECTION 24(c) REGISTRATIONS CANCELLED FOR NON-PAYMENT OF 2021 MAINTENANCE FEE—Continued

Registration No.	Company No.	Product name
90253–1	90253	Homebright ORIGINAL MOTH BALLS.
90714–1	90714	CLEAR CHOICE LIQUID SHOCK TREATMENT.
90736–1	90736	PROPICONAZOLE TECH 95%.
90736–2	90736	TEBUCONAZOLE TECH.
90784–4	90784	VISTA CLEAR SPRAY OIL.
90863–1	90863	SURPHACE PHRESH CONCENTRATE.
91300–10	91300	P171.03 for Dogs.
91300–11	91300	P171.04 for Dogs.
92032–2	92032	Nemasan MU.
92515–1	92515	Egret Bed Net.
92647–14	92647	Tigris Clethodim.
92647–17	92647	Tigris Bifen.
92647–21	92647	Tigris Lambda.
93363–1	93363	MITOGROW TM PELLETS 3–IA 10%.
93373–3	93373	BODYGUARD INSECT REPELLENT SPRAY.
94300–1	94300	Sutro—Sanitizer Puck.
AR100003	95290	CURFEW.
AZ970005	95290	TELONE EC.
ID150004	71711	MONCUT.
IN200005	70051	GEMSTAR LC.
IN200006	70051	AGREE WG.
KS040003	11773	CORNBELT ATRAZINE 4L.
KY190001	70051	GEMSTAR LC.
KY190002	70051	BMJ WG.
KY190003	70051	AGREE WG.
KY190004	70051	CX–9032.
KY190041	87978	HELIGEN.
LA060006	95290	CURFEW.
MN110005	2749	HALOSULFURON 75WDG HERBICIDE.
MS050016	95290	CURFEW.
MS060002	73139	SABRECHLOR 25.
ND110009	2749	HALOSULFURON 75WDG HERBICIDE.
NE110003	2749	HALOSULFURON 75WDG HERBICIDE.
NM980001	95290	TELONE EC.
PA130002	82074	MYCOTROL ES.
PA190003	57538	GOLDEN PEST SPRAY OIL.
TN100002	95290	CURFEW.
TX060005	95290	CURFEW.
TX970008	95290	TELONE EC.

IV. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the December 7, 2021, **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 of Unit III.

V. Cancellation Order

Pursuant to FIFRA section 6(f)(7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit III. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit III, are canceled. The effective date of the cancellations that are the subject of this notice is February 23, 2022. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit III, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VII, will be a violation of FIFRA.

VI. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register.** Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of December 7, 2021 (86 FR 69247) (FRL–9277–01). The comment period closed on January 6, 2022.

VII. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States, and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit III, until the date of publication of this **Federal Register** notice. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit III, until existing stocks are exhausted, provided that such sale,

distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 16, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2022–03841 Filed 2–22–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0179, OMB 3060–0700, OMB 3060–0937 and OMB 3060–1209; FR ID 72688]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before March 25, 2022.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (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 burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0179.

Title: Section 73.1590, Equipment Performance Measurements.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 13,049 respondents and 13,049 responses.

Estimated Time per Response: 0.5–18 hours.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 12,335 hours.

Total Annual Cost: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Needs and Uses: The information collection requirements contained in *47 CFR 73.1590(d)* require licensees of AM, FM and TV stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedures used in making the measurements must be kept on file at the transmitter or remote control point for two years. In addition, this information must be made available to the FCC upon request.

OMB Control: 3060–0700.

Title: Open Video Systems Provisions, FCC Form 1275.

Form Number: FCC Form 1275.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; and State, Local or Tribal Government.

Number of Respondents and Responses: 280 respondents; 4,672 respondents.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Estimated Time per Response: 0.25 to 20 hours.

Total Annual Burden: 9,855 hours.

Total Annual Costs: None.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Section 302 of the Communications Act of 1934, as amended.

Needs and Uses: Section 302 of the 1996 Telecommunications Act provides for specific entry options for telephone companies wishing to enter the video programming marketplace, one option being to provide cable service over an ''open video system'' (''OVS''). The rule sections that are covered by this collection relate to OVS.

OMB Control Number: 3060–0937.

Title: Establishment of a Class A Television Service, MM Docket No. 00–10.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion and quarterly reporting requirements.

Number of Respondents and Responses: 385 respondents; 9,850 responses.

Estimated Time per Response: 0.017 hours-52 hours.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 307, 308, 309 and 319 of the Communications Act of 1934, as amended.

Total Annual Burden: 172,087 hours.

Total Annual Cost: $1,851,000.

Needs and Uses: On November 29, 1999, the Community Broadcasters Protection Act of 1999 (CBPA), *Public Law 106–113,* 113 Stat. Appendix I at pp. 1501A–594–1501A–598 (1999), codified at *47 U.S.C. 336(f),* was enacted. That legislation provided that a low power television (LPTV) licensee should be permitted to convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria by January 28, 2000. The CBPA directs that Class A licensees be subject to the same license terms and renewal standards as full-power television licenses and that Class A licensees be accorded primary status as television broadcasters as long as they continue to meet the requirements set forth in the statute for a qualifying low power station.

For those stations that met the certification deadline, the CBPA sets out certain certification procedures, prescribes the criteria to maintain a Class A license, and outlines the interference protection Class A stations must provide to analog, digital, LPTV and TV translator stations.

The CBPA directs that Class A stations must comply with the operating requirements for full-service television broadcast stations in order to maintain Class A status. Therefore, beginning on the date of its application for a Class A license and thereafter, a station must be ''in compliance'' with the Commission's operating rules for full-service television stations, contained in 47 CFR part 73.

OMB Control Number: 3060–1209.

Title: Section 73.1216, Licensee-Conducted Contests.

Form Number: None. (Complaints alleging violations of the Contest Rule generally are filed on via the Commission's Consumer Complaint Portal entitled General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, Requests for Dispute Assistance and Communications Accessibility Complaints which is approved under OMB control number 3060–0874).

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 21,530 respondents; 21,530 responses.

Estimated Time per Response: 0.1–9 hours.

Frequency of Response: On occasion reporting requirement: Third party disclosure requirement and recordkeeping requirement.

Total Annual Burden: 127,569 hours.

Total Annual Costs: $6,457,500.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4 and 303 of the Communications Act of 1934, as amended.

Needs and Uses: The Commission adopted the Contest Rule in 1976 to address concerns about the manner in which broadcast stations were conducting contests over the air. The Contest Rule generally requires stations to broadcast material contest terms fully and accurately the first time the audience is told how to participate in a contest, and periodically thereafter. In addition, stations must conduct contests substantially as announced. These information collection requirements are necessary to ensure that broadcast licensees conduct contests with due regard for the public interest.

The Contest Rule permit broadcasters to meet their obligation to disclose contest material terms on an internet website in lieu of making broadcast announcements. Under the amended Contest Rule, broadcasters are required to (i) announce the relevant internet website address on air the first time the audience is told about the contest and periodically thereafter; (ii) disclose the material contest terms fully and accurately on a publicly accessible internet website, establishing a link or tab to such terms through a link or tab on the announced website's home page, and ensure that any material terms disclosed on such a website conform in all substantive respects to those mentioned over the air; (iii) maintain contest material terms online for at least thirty days after the contest has ended; and (v) announce on air that the material terms of a contest have changed (where that is the case) within 24 hours of the change in terms on a website, and periodically thereafter, and to direct consumers to the website to review the changes.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–03828 Filed 2–22–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 71961]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before April 25, 2022.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: IGLESIA PENTECOSTAL VISPERA DEL FIN, KZGD(AM), Fac. ID No. 72475, From SALEM, OR, To HUBBARD, OR, File No. BP–20220117AAA; SSR COMMUNICATIONS, INC., KCAY(FM), Fac. ID No. 203590, From CALIENTE, NV, To DAMMERON VALLEY, UT, File No. 0000178430; JUAN CARLOS MATOS BARRETO, KEHD(FM), Fac. ID No. 762515, From BIG LAKE, TX, To MIDKIFF, TX, File No. 0000178378; ESTRELLA BROADCASTING LLC, KVRQ(FM), Fac. ID No. 198802, From MULESHOE, TX, To TEXICO, NM, File No. 0000179229; LAZER LICENSES, LLC, KXRS(FM), Fac. ID No. 36829, From HEMET, CA, To BEAUMONT, CA, File No. 0000178819; ESTRELLA BROADCASTING, LLC, NEW(FM), Fac. ID No. 762491, From OVERGAARD, AZ, To BLUE RIDGE, AZ, File No. 0000159314; FAMILY LIFE MINISTRIES, INC., WCOR–FM, Fac. ID No. 21197, From PORTVILLE, NY, To LEWIS RUN, PA, File No. 0000182214; EAST TENNESSEE RADIO GROUP III, L.P., WQMT(FM), Fac. ID No. 70782, From DECATUR, TN, To HOPEWELL, TN, File No. 0000180848; CALVARY CHAPEL OF RUSSELL, WTWT(FM), Fac. ID No. 172674, From BRADFORD, PA, To PORTVILLE, NY, File No. 0000182212; THE POWER FOUNDATION, WWQS(FM), Fac. ID

No. 173912, From SPRING CITY, TN, To DECATUR, TN, File No. 0000180811; and RADIOACTIVE, LLC, WKFC(FM), Fac. ID No. 164241, From NORTH CORBIN, KY, To HUSTONVILLE, KY, File No. 0000145184. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, *https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sear.htm* or Licensing and Management System (LMS), *https://apps2int.fcc.gov/dataentry/public/tv/publicAppSearch.html.*

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2022–03842 Filed 2–22–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meetings

TIME AND DATE: February 25, 2022; 10:30 a.m.

PLACE: This meeting will be held by video-conference only.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Discussion of West Coast Marine Terminal Operator Agreement (WCMTOA).

CONTACT PERSON FOR MORE INFORMATION: William Cody, Secretary, (202) 523–5725.

William Cody,

Secretary.

[FR Doc. 2022–03858 Filed 2–18–22; 11:15 am]

BILLING CODE 6730–02–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0107; Docket No. 2022–0053; Sequence No. 8]

Information Collection; Federal Acquisition Regulation Part 23 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 Federal Acquisition Regulation (FAR) part 23 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 25, 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. 9000–0107, Federal Acquisition Regulation Part 23 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: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or *jennifer.hawes@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

OMB control number 9000–0107, Federal Acquisition Regulation Part 23 Requirements.

B. Need and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following FAR Part 23 requirements:

- *FAR 52.223–2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts.* This clause requires the contractor to report annually the product types and dollar value of any United States Department of Agriculture-designated biobased products purchased by the Contractor during the previous Government fiscal year. The Government uses this information to assess compliance, and measure progress, in carrying out the preference for USDA-designated biobased products.
- *FAR 52.223–5, Pollution Prevention and Right-to-Know Information.* This clause requires a contractor that is performing at a federal facility to provide all information needed by the federal facility to comply with Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001–11050) and the Pollution Prevention Act of 1990 (42 U.S.C. 13101–13109). Contractors report information related to emergency planning and hazardous chemicals reporting, toxic chemical release, its environmental management system (EMS), and a facility compliance audit or EMS audit. Government facility managers use this information to ensure the facility is able to comply with the following statutory or other requirements: Prepare the annual inventory of hazardous chemicals and submit safety data sheets on hazardous chemicals used or stored in the facility to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department; report toxic chemical release information to the Environmental Protection Agency (EPA) Toxic Release Inventory Program; implement an EMS and conduct EMS self-assessments; undergo a facility compliance audit.
- *FAR 52.223–6, Drug-Free Workplace.* This clause requires a contractor to require its employees to notify it of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The contractor is further required to notify the contracting officer in writing within ten days after receiving notice of an employee conviction. The Government uses this information to ensure contractor compliance with the statutory requirements to maintain a drug-free

workplace. The information is also used by the contracting officer to understand any impacts on contract performance.

• *FAR 52.223–7, Notice of Radioactive Material.* This clause requires the contractor to notify the contracting officer or a designee in writing prior to the delivery of, or prior to completion of any servicing required by the contract of, items containing certain radioactive material. The notice shall specify the part or parts of the items which contain radioactive materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the contractor which will put users of the items on notice as to the hazards involved. If there has been no change affecting the quantity of activity, or the characteristics and composition of the radioactive material from deliveries under the contract or prior contracts, then the contractor may request in writing that the contracting officer or designee waive this notice requirement. The Government uses this information to ensures that required licenses are obtained and appropriate personnel are provided adequate notification to institute any necessary safety and health precautions in handling the items with radioactive materials.

• *FAR 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items.* This clause requires the contractor, upon completion of the contract, to submit to the Government an estimate of the percentage of the total recovered material content for EPA-designated item(s) delivered and/or used in contract performance, including, if applicable, the percentage of post-consumer material content. For contracts where the estimates can be verified, the contractor shall instead provide the certification required by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6962(i)(2)(C)) that the percentage of recovered material content for EPA-designated items met the requirements of the contract. The contracting officer uses this information to verify contractor compliance with contract requirements regarding the use of recovered materials. Additionally, agencies will use the information in the annual review and monitoring of the effectiveness of their affirmative procurement programs.

• *FAR 52.223–11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons.* This clause requires the contractor to report annually and at the end of contract performance the amount in pounds of any hydrofluorocarbons (or refrigerant blends containing hydrofluorocarbons) added or taken out of any equipment or appliances to be delivered under the contract The reporting requirement applies to equipment that normally each contain 50 or more pounds of hydrofluorocarbons or refrigerant blends containing hydrofluorocarbons. The Government gathers this information to identify the amount of ozone-depleting substances and High Global Warming Potential Hydrofluorocarbons that are contained in certain equipment purchased by the Government.

• *FAR 52.223–12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners.* This clause requires the contractor to report annually and at the end of contract performance the amount in pounds of any hydrofluorocarbons (or refrigerant blends containing hydrofluorocarbons) added or taken out of refrigeration or air conditioning equipment to be maintained, serviced, repaired, or disposed of under the contract. The reporting requirement applies to equipment that normally each contain 50 or more pounds of hydrofluorocarbons or refrigerant blends containing hydrofluorocarbons. The Government gathers this information to identify the amount of ozone-depleting substances and High Global Warming Potential Hydrofluorocarbons are contained in certain equipment maintained by the Government.

• *FAR 52.223–22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.* This provision requires offerors that received $7.5 million or more in total contract awards during the previous Federal fiscal year to represent whether it publicly discloses (itself or through its immediate or highest-level owner) its greenhouse gas emissions and a quantitative greenhouse gas reduction goal. If the offeror publicly discloses such information, the offeror is required to provide the website(s) where the information is made publicly available. The representation is voluntary for offerors below the threshold. The Government uses this information to assess supplier greenhouse gas management practices and to assist agencies in developing strategies to engage with contractors to reduce supply chain emissions.

C. Annual Burden

Respondents: 39,497.
Total Annual Responses: 165,570.
Total Burden Hours: 735,631.
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. 9000–0107, Federal Acquisition Regulation Part 23 Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03794 Filed 2–22–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0067; Docket No. 2021–0053; Sequence No. 16]

Submission for OMB Review; Certain Federal Acquisition Regulation Part 16 Contract Pricing 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 16 contract pricing requirements.

DATES: Submit comments on or before March 25, 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. 9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing 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: Jennifer Hawes, Procurement Analyst, at telephone 202–969–7386, or *jennifer.hawes@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements.

B. Needs 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 OMB Control No. 9000–0067 and combines it with the previously approved information collections under OMB Control Nos. 9000–0068 and 9000–0071, with the new title ''Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements''. Upon approval of this consolidated information collection, OMB Control Nos. 9000–0068 and 9000–0071 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000–0067.

This clearance covers the information that contractors must submit to comply with the following FAR requirements:

• *FAR 52.216–2, Economic Price Adjustment—Standard Supplies; FAR 52.216–3, Economic Price Adjustment—Semistandard Supplies; and FAR 52.216–4, Economic Price Adjustment—Labor and Material.* These clauses require contractors on contracts that provide for economic price adjustments to promptly notify the contracting officer of any increases or decreases to established prices or labor rates (including fringe) because of certain contingencies, such as increases or decreases to established catalog or market prices or changes to cost indexes for labor or materials. The contracting officer uses the information provided by the contractor to negotiate price adjustments under the contract due to the contingency specified in the contract.

• *FAR 52.216–5, Price Redetermination-Prospective.* Paragraph (c) of this clause requires a contractor on a fixed-price contract with prospective price redetermination to submit to the Government (within an agreed upon timeframe) a statement of costs incurred for the most recent period of performance, the proposed prices for the upcoming contract period, and any supporting or relevant documentation. Per paragraph (h) of this clause, during periods where firm prices have not been established, the contractor must also submit quarterly statements that includes a breakdown of total contract prices, costs, and profit incurred and all invoices accepted for delivered items or services for which final prices have not been established. The contracting officer uses the information to negotiate/redetermine fair and reasonable prices for supplies and services that may be delivered or performed under the contract in the period following the effective date of price redetermination.

• *FAR 52.216–6, Price Redetermination—Retroactive.* Paragraph (c) of this clause requires a contractor on a fixed-ceiling-price contract with retroactive price redetermination to submit to the Government (within an agreed upon timeframe after completion of the contract) the proposed prices, all costs incurred in performing the contract, and any supporting or relevant documentation. Per paragraph (g) of this clause, until final price redetermination has been completed, the contractor must also submit a quarterly statement that includes a breakdown of total contract prices, costs, and interim profit incurred and all invoices accepted for delivered items. The contracting officer uses the information provided by the contractor to negotiate/redetermine fair and reasonable prices for supplies and services that have already been delivered or performed under the contract.

• *FAR 52.216–16, Incentive Price Revision—Firm Target; and FAR 52.216–17, Incentive Price Revision—Successive Targets.* These clauses require contractors on fixed price incentive (firm or successive target) contracts to submit to the Government on a quarterly basis a statement regarding total contract prices, costs, portions of interim profit, and amounts of invoices or vouchers for completed work that is cumulative from the beginning of the contract (see 52.216–16(g) and 52.216–17(i)). Upon final delivery of supplies or completion of services for covered line items, the contractor is required to submit a detailed statement of all costs incurred up to the end of that month in performing all work under the items; an estimate of costs of further performance, if any, that may be necessary to complete performance of all work under the items; a list of all residual inventory and an estimate of its value; and any other relevant data that the Contracting Officer may reasonably require (see 52.216–16(c) and 52.216–17(e)). Paragraph (c) of 52.216–17 also requires submission of data for establishing the firm fixed price or a final profit adjustment formula. The contracting officer uses the information provided by the contractor to evaluate the contractor's performance in meeting the incentive target and to negotiate the final prices of incentive-related items and services.

C. Annual Burden

Respondents: 9,162.

Total Annual Responses: 61,580.

Total Burden Hours: 114,743.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 71641, on December 17, 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. 9000–0067, Certain Federal Acquisition Regulation Part 16 Contract Pricing Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03793 Filed 2–22–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2022–0028]

Draft Infection Control in Healthcare Personnel: Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients: Rabies Section

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment.

SUMMARY: The Centers for Disease Control and Prevention (CDC), in the Department of Health and Human Services (HHS), announces the opening of a docket to obtain comment on the *Draft Infection Control in Healthcare Personnel: Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients: Rabies Section* (*Draft Guideline: Rabies Section*). The *Draft Guideline: Rabies Section* updates the Rabies section of the *Guideline for infection control in health care personnel, 1998* (*1998 Guideline*), *Part E: Epidemiology and Control of Selected Infections Transmitted Among Health Care Personnel and Patients* and its corresponding recommendations in Part II of the *1998 Guideline:* ''14. Rabies.'' The updated recommendations in the *Draft Guideline: Rabies Section* are intended for use by the leaders and staff of occupational health services. These updated recommendations will help facilitate the provision of occupational infection prevention and control services to healthcare personnel (HCP) who have been exposed or infected and may be contagious to others in the workplace.

DATES: Written comments must be received on or before April 25, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0028, by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Healthcare Infection Control Practices Advisory Committee (HICPAC) Secretariat, Division of Healthcare Quality Promotion, Centers for Disease Control and Prevention, 1600 Clifton Rd. NE, Mailstop H16–3, Atlanta, Georgia 30329, Attn: Docket No. CDC–2022-xxxx.

Instructions: Submissions via *http://regulations.gov* are preferred. All submissions received must include the Agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Do not submit comments by email. CDC does not accept comments by email.

FOR FURTHER INFORMATION CONTACT: Laura Wells, Division of Healthcare Quality Promotion, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H16–2, Atlanta, Georgia 30329; Telephone: (404) 639–4000.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data related to the *Draft Guideline: Rabies Section.* Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact or withhold submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted in preparation of the final *Infection Control in Healthcare Personnel: Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients: Rabies Section* and may revise the final document as appropriate.

Background

The *Draft Guideline: Rabies Section,* located in the ''Supporting & Related Material'' tab of the docket, updates the Rabies section of the *1998 Guideline, Part E: Epidemiology and Control of Selected Infections Transmitted Among Health Care Personnel and Patients* and its corresponding recommendations in Part II of the *1998 Guideline:* ''14. Rabies.'' That section provided information and recommendations for occupational health services of healthcare facilities and systems on the prevention of transmission of infectious diseases among HCP and patients. The *1998 Guideline* can be found at *https://stacks.cdc.gov/view/cdc/11563.* This *Draft Guideline: Rabies Section* update is part of a larger guideline update: *Infection Control in Healthcare Personnel.* Part I, *Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (2019)* and the Diphtheria, Group A Streptococcus, Meningococcal Disease, and Pertussis sections of Part II, *Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients (2021)* are published on the CDC Infection Control Guideline website and can be found at *https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html.*

The *Draft Guideline: Rabies Section,* once finalized, is intended for use by the leaders and staff of occupational health services to guide the management of exposed or infected HCP who may be contagious to others in the workplace. The draft recommendations in *Draft Guideline: Rabies Section* update the 1998 recommendations with current guidance on the management of HCP exposed to rabies or HCP potentially infected with rabies, focusing on postexposure management, including postexposure prophylaxis, for exposed HCP and work restrictions for exposed or infected HCP.

Since 2015, the Healthcare Infection Control Practices Advisory Committee (HICPAC) has worked with national partners, academicians, public health professionals, healthcare providers, and other partners to develop *Infection Control in Healthcare Personnel* (*https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html*) as a segmental update of the *1998 Guideline.* HICPAC is a federal advisory committee appointed to provide advice and guidance to HHS and CDC regarding the practice of infection control and strategies for surveillance, prevention, and control of healthcare-associated infections, antimicrobial resistance and related events in U.S. healthcare settings. HICPAC includes representatives from public health, infectious diseases, regulatory and other federal agencies, professional societies, and other interested community members. *Draft Guideline: Rabies Section,* once finalized, will be the next section to be posted to the *Infection Control in Healthcare Personnel* website.

The updated draft recommendations in *Draft Guideline: Rabies Section* are informed by reviews of the *1998 Guideline;* CDC resources (*e.g.,* CDC Rabies website), guidance, and guidelines; and new scientific evidence, when available. CDC is seeking feedback on revisions or additions to consider for the recommendations and narrative in the *Draft Guideline: Rabies Section.* Please provide references to new evidence and justification to support any suggested revisions or additions. This *Draft Guideline: Rabies Section* is not a federal rule or regulation.

Dated: February 16, 2022.

Angela K. Oliver,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2022–03768 Filed 2–22–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[OMB NO. 0917–0028]

Request for Public Comment: 30-Day Proposed Information Collection: Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the information collection titled, ''Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions,'' Office of Management and Budget (OMB) Control Number 0917–0028. The IHS is requesting OMB to approve an extension for this collection, which expires on February 28, 2022. Notice regarding the information collection was last published in the **Federal Register** on December 13, 2021, and allowed 60 days for public comment. The purpose of this notice is to announce the IHS' intent to submit this collection to OMB and to allow 30 days for public comment to be submitted directly to OMB. A copy of the supporting statement is available at *www.regulations.gov* (see Docket ID: IHS_FRDOC_0001).

DATES: Consideration will be given to all comments received by March 25, 2022.

ADDRESSES: Send your comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Evonne Bennett, Information Collection Clearance Officer at: *Evonne.Bennett@ihs.gov* or 301–443–4750.

SUPPLEMENTARY INFORMATION: This previously approved information collection project was last published in the **Federal Register** on December 13, 2021, and allowed 60 days for public comment. No public comment was received in response to the notice. This notice announces our intent to submit this collection, which expires February 28, 2022, to OMB for approval of an extension, and to solicit comments on specific aspects for the proposed information collection.

Title: Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions (OMB No. 0917–0028). *Type of Information Collection Request:* Extension, without revision, of currently approved information collection, 0917–0028, Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. There are no program changes or adjustments in burden hours. *Form(s):* Addendum to Declaration for Federal Employment, Child Care and Indian Child Care Worker Positions. *Need and Use of Information Collection:* This is a request for approval of the collection of information as required by section 408 of the Indian Child Protection and Family Violence Prevention Act, Public Law (Pub. L.) 101–630 [104 Stat. 4544, 25 United States Code (U.S.C.) 3201–3210]; 34 U.S.C. 20351; and 42 CFR part 136, subpart K.

The IHS is required to compile a list of all authorized positions within the IHS where the duties and responsibilities involve regular contact with, or control over, Indian children; and to conduct an investigation of the character of each individual who is employed, or is being considered for employment, in a position having regular contact with, or control over, Indian children. 25 U.S.C. 3207(a)(1) and (2). Section 3207(a)(3) of Title 25 requires regulations prescribing the minimum standards of character for individuals appointed to positions involving regular contact with, or control over, Indian children, and section 3207(b) provides that such standards shall ensure that no such individuals have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any two or more misdemeanor offenses, under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

In addition, 34 U.S.C. 20351 (formerly codified at 42 U.S.C. 13041, which was transferred to 34 U.S.C. 20351) requires each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision of child care services to children under the age of 18 to assure that all existing and newly hired employees undergo a criminal history background check. The background investigation is to be initiated through the personnel program of the applicable Federal agency. This section requires employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in positions involved with the provision of child care services to children under the age of 18, to contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so, requiring a description of the disposition of the arrest or charge.

Affected Public: Individuals and households. *Type of Respondents:* Individuals.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Average burden hour per response, and Total annual burden hour(s).

ESTIMATED ANNUAL BURDEN HOURS

Data collection instrument(s)	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden responses (in hours)
Addendum to Declaration for Federal Employment (OMB 0917–0028)	3,000	1	12/60	600
Total	3000	.....	.....	600

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Requests for Comments: Your written comments and/or suggestions are invited on one or more of the following points:

(a) Whether the information collection activity is necessary to carry out an agency function;

(b) whether the agency processes the information collected in a useful and timely fashion;

(c) the accuracy of the public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information);

(d) whether the methodology and assumptions used to determine the estimates are logical;

(e) ways to enhance the quality, utility, and clarity of the information being collected; and

(f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Elizabeth A. Fowler,

Acting Deputy Director, Indian Health Service.

[FR Doc. 2022–03823 Filed 2–22–22; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Policy and Program Evaluation Review.

Date: March 22, 2022.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 2 Democracy, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 17, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03821 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Informatics.

Date: March 22, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *Jacinta.bronte-tinkew@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Healthcare Delivery and Methodologies.

Date: March 22, 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: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biology of the Eye.

Date: March 23, 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: Jimok Kim, Ph.D., Scientific Review Officer, Center for Scientific Review, 6107 Rockledge Drive, Bethesda, MD 20892, (301) 402–8559, *jimok.kim@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pulmonary Diseases.

Date: March 29–30, 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: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

Date: March 30–31, 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: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892 301–435–5575, *hamannkj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Infectious Disease and Immunology B.

Date: March 30–31, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Uma Basavanna, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–1398, *uma.basavanna@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 22–026: Selectively Target Technology Development to Understand How Changes or Dysfunction at the Capillary, Arterioles, and Small Lymphatic Vessels Level Can Have Long-term Impact on AD/ADRD (R01 Clinical Trial Not Allowed).

Date: March 30, 2022.

Time: 10:00 a.m. to 2:00 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: Linda MacArthur, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–537–9986, *macarthurlh@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 16, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03798 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Maximizing Opportunities for Scientific and Academic Independent Careers (MOSAIC) (K99/R00) Applications.

Date: April 5, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849 *dunbarl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 16, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03796 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; CHS: Social and Environmental Determinants of Cancer and Cardiovascular Disease.

Date: March 23, 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: Lisa Steele, Ph.D., Scientific Review Officer, PSE IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, MSC 7770, Bethesda, MD 20892, 301–594–6594, *steeleln@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; HIV Coinfections and HIV Associated Cancers Study Section.

Date: March 24, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Barna Dey, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, Bethesda, MD 20892, 301–451–2796, *bdey@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biological Chemistry and Macromolecular Biophysics.

Date: March 25, 2022.

Time: 9:30 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: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Visual Neuroscience.

Date: March 28, 2022.

Time: 12:00 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: Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–7490, *brianscott@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Oral and Dental.

Date: March 29, 2022.

Time: 1:30 p.m. to 5:30 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: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, (301) 496–8551, *ingrahamrh@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Arthritis, Connective Tissue and Skin Sciences.

Date: March 31, 2022.

Time: 9:00 a.m. to 12:30 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: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, (301) 435–1850, *limc4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics on Mycology and Parasitology.

Date: March 31, 2022.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Mohammad Samiul Alam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 809D, Bethesda, MD 20892, (301) 435–1199, *alammos@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Promoting a Basic Understanding of Chemical Threats to Skin.

Date: March 31, 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: Chee Lim, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, Bethesda, MD 20892, (301) 435–1850, *limc4@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR21–061: Cancer Research Workforce Diversity.

Date: March 31, 2022.

Time: 12:30 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: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4158, MSC 7806, Bethesda, MD 20892, 301–435–1256, *biesj@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–19–264: Imaging, Biomarkers and Digital Pathomics for the Early Detection of Premetastatic Aggressive Cancer.

Date: March 31, 2022.

Time: 12:30 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: Eleni Apostolos Liapi, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–867–5309, *eleni.liapi@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 17, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03822 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 18, 2022, 10:00 a.m. to March 18, 2022, 07:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 08, 2022, FR Doc 2122–02527, V–87, Number 26, Page 7194.

Meeting is being amended to change the Contact Person from James Li to David Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health. The meeting is closed to the public.

Dated: February 17, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03820 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be held as a virtual meeting and open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

Name of Committee: Advisory Committee on Research on Women's Health.

Date: April 6, 2022.

Time: 9:30 a.m. to 4:30 p.m.

Agenda: Director's Report; Presentation from the Director of the National Heart, Lung, and Blood Institute (NHLBI); Panel discussing health disparities and COVID–19; and Concept clearances for various programs.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Samia Noursi, Ph.D., Associate Director, Science Policy, Planning, and Analysis, Office of Research on Women's Health, National Institutes of Health, 6707 Democracy Blvd., Room 402, Bethesda, MD 20892, 301–496–9472, *samia.noursi@nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meetings. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the

committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://orwh.od.nih.gov/*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 16, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03799 Filed 2–22–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0100]

Petition for Remission or Mitigation of Forfeitures and Penalties Incurred (CBP Form 4609)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension 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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (Volume 86 FR Page 67963) on November 30, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Petition for Remission or Mitigation of Forfeitures and Penalties Incurred.

OMB Number: 1651–0100.

Form Number: CBP Form 4609.

Current Actions: Extension without change.

Type of Review: Extension (without change).

Affected Public: Individuals and Businesses.

Abstract: CBP Form 4609, *Petition for Remission of Forfeitures and Penalties Incurred,* is completed, and filed with the CBP FP&F Officer designated in the notice of claim by individuals who have been found to be in violation of one or more provisions of the Tariff Act of 1930, or other laws administered by CBP. Persons who violate the Tariff Act of 1930, or other laws administered by CBP, are entitled to file a petition seeking remission or mitigation of a fine, penalty, or forfeiture incurred under these laws. This petition is submitted on CBP Form 4609. The information provided on this form is used by CBP personnel as a basis for granting relief from forfeiture or penalty. CBP Form 4609 is authorized by 19 U.S.C. 1618 and provided for by 19 CFR 171.1. It is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=4609.*

This collection of information applies to members of the public who may not be familiar with import procedures and CBP regulations. It may also be used by the importing and trade community who are familiar with import procedures and with the CBP regulations.

Type of Information Collection: CBP Form 4609.

Estimated Number of Respondents: 1,610.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,610.

Estimated Time per Response: 14 minutes.

Estimated Total Annual Burden Hours: 376.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03819 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0111]

Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/ Departure, Electronic System for Travel Authorization (ESTA)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (86 FR 64508) on November 18, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/ Departure, Electronic System for Travel Authorization (ESTA).

OMB Number: 1651–0111.

Form Number: CBP Forms I–94 and I–94W.

Current Actions: Revision of an existing information collection.

Type of Review: Revision.

Affected Public: Individuals.

Abstract: Forms I–94 (Arrival/ Departure Record) and I–94W (Nonimmigrant Visa Waiver Arrival/ Departure Record) are used to document a traveler's admission into the United States. These forms are filled out by non-immigrants and are used to collect information on citizenship, residency, passport, and contact information. The data elements collected on these forms enable the Department of Homeland Security (DHS) to perform its mission related to the screening of noncitizen visitors for potential risks to national security and the determination of admissibility to the United States.

The Electronic System for Travel Authorization (ESTA) applies to non-immigrants seeking to travel to the United States under the Visa Waiver Program (VWP) and requires that VWP travelers provide information electronically to CBP before embarking on travel to the United States without a visa. Travelers who are entering the United States under the VWP in the air or sea environment, and who have a travel authorization obtained through ESTA, are not required to complete the paper Form I–94W. I–94 is provided for by 8 CFR 235.1(h), ESTA is provided for by 8 CFR 217.5.

On December 18, 2015, the President signed into law the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 (''VWP Improvement Act'') as part of the Consolidated Appropriations Act, 2016, Public Law 114–113, 129 Stat. 2242. To meet the requirements of this new act, DHS strengthened the security of the VWP through enhancements to the ESTA applications and to the Form I–94W, Form I–94 is not affected by this change. Many of the provisions of the new law became effective on the date of enactment of the VWP Improvement Act. The VWP Improvement Act generally makes certain nationals of VWP countries ineligible (with some exceptions) from traveling to the United States under the VWP. To ensure compliance with the VWP Improvement Act, CBP will continuously update the application question with the list of nationals ineligible to travel to the United States under the VWP, as designated in accordance with section 217(a)(12) of the Immigration and Nationality Act, as amended (8 U.S.C. 1187(a)(12)).

Recent Changes

1. *Complete biographic page, passport photograph and MRZ:* Currently, the ESTA website allows applicants to upload their passport page to capture the passport's machine-readable zone (MRZ), which automatically populates the individual's biographic information, eliminating the need to manually enter the information into the ESTA application. Applicants were able to voluntarily submit a photo with their ESTA application, CBP will now require applicants to upload a picture of their complete biographic passport page, including the MRZ and passport photograph. The addition of passport photos will increase CBP's capability to confirm an applicant's identity and compare the photo against CBP and other government holdings to locate any derogatory information. Photos collected as part of the ESTA applications may also be used to match travels through the biometric entry/exit process. CBP is amending the ESTA application to require the uploading of

the complete biographic page to include the photograph and the MRZ.

2. *Mandatory Social Media Collection:* On May 31, 2019, the Department of State updated its immigrant and nonimmigrant visa application forms to request additional information, including social media identifiers, from most U.S. visa applicants worldwide. In keeping with this change, CBP is amending the ESTA application to change social media collection from optional to mandatory. National security is CBP's top priority when adjudicating ESTA applications, and every prospective traveler to the United States undergoes extensive security screening. CBP is continually working to find mechanisms to improve our screening processes to protect U.S. citizens, while supporting legitimate travel to the United States. CBP already requests certain contact information, travel history and family member information from all ESTA applicants. Making social media a mandatory field in the ESTA application will enhance our vetting processes and assist in confirming applicants' identities. While the completion of the field is mandatory, applicants can still select ''none''.

3. *Biometric Information Collection:* CBP will begin collecting biometric data for identity confirmation on ESTA applications. ESTA applicants will be prompted to take a selfie or ''live'' photo to conduct a ''liveness'' test to determine if the ESTA application is interfacing with a physically present human being and not an inanimate object, or if it is a photo of someone other than the lawful passport holder. Respondents will be able to scan their passport biographic page, in order to submit biographic information, including passport photograph.

4. *ESTA Mobile Application (App):* CBP will implement the ESTA Mobile Application to provide an additional and more convenient option for intending VWP travelers to obtain an ESTA. The Mobile App will collect biometric data for confirmation of identity. This is another enhancement that will assist in preventing persons intending to travel to the United States under the VWP by fraud.

This new function will be accessible via mobile devices, *i.e.,* mobile phones, tablets. The portability of mobile devices will facilitate applying for an ESTA application, because an ESTA applicant will not be limited to applying on a desktop computer. The first phase will enable Android devices to use the ESTA App, and the second phase will follow with iOS. No implementation date has been set for iOS implementation.

The Mobile App will be very similar to the already established ESTA application website at *https://esta.cbp.dhs.gov,* but with Near Field Communication (NFC).

The NFC:

- Allows users to scan the passport e-Chip (embedded in the passport) to extract passenger data.
- A Mobile Device with NFC capability is required to scan the Passport e-Chip when applying for a new application using the ESTA Mobile App.
- Data on the e-Chip enables the NFC Scan.
- If the mobile device does not have NFC capability, the user can submit an ESTA application via the established website.

After determining if the mobile device has NFC capability:

1. The applicant takes a selfie or ''live'' photo (another person may also take a photo of the applicant).
2. The Mobile App will do a ''liveness'' test to determine that it is interfacing with a physically present human being and not an inanimate object, or if it is a photo of someone other than the lawful passport holder.
3. If the passport photo does not match the ''liveness'' photo, a ''Third Party Acknowledgement'' screen will display, which requires confirmation.
4. The applicant proceeds by completing the data fields the same as with the established ESTA application.
5. When the applicant completes the application, he/she can review his/her responses.

The payment process will be the same as the established ESTA application, and the cost of each ESTA application will continue to be 14 USD, except in the case of a denial, the fee is 4 USD.

Type of Information Collection: I–94

Estimated Number of Respondents: 4,387,550.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 4,387,550.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 585,007.

Type of Information Collection: I–94 Website

Estimated Number of Respondents: 3,858,782.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 3,858,782.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 257,252.

Type of Information Collection: I–94W

Estimated Number of Respondents: 941,291.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 941,291.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 251,011.

Type of Information Collection: ESTA Website Application

Estimated Number of Respondents: 15,000,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 15,000,000.

Estimated Time per Response: 23 minutes.

Estimated Total Annual Burden Hours: 5,750,000.

Type of Information Collection: ESTA Mobile Application (App)

Estimated Number of Respondents: 500,000.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 500,000.

Estimated Time per Response: 28 minutes.

Estimated Total Annual Burden Hours: 233,333.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03814 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–NEW]

Stakeholder Scheduling Application

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-day notice and request for comments; this is a new 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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* . Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (86 FR 10115) on February 18, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Stakeholder Scheduling Application.

OMB Number: 1651–NEW.

Current Actions: New collection of information.

Type of Review: This is a new information collection.

Affected Public: Individuals and Businesses.

Abstract: The Stakeholder Scheduling capability is a mobile application within the ''CBP One™'' app that will standardize and automate the manual process of brokers and travelers making and updating appointments with CBP for various services. Currently, Customs and Border Protection Officers (CBPOs) and CBP Agriculture Specialists (CBPAS) spend significant time exchanging phone calls, faxes, and emails from stakeholders to schedule inspection services. This includes inspections of perishable cargo, non-perishable cargo that have been identified for mandatory examinations, and commercial vessel and commercial or private air arrivals. Based on security vetting, CBP notifies stakeholders that certain cargo requires a scan by CBP Non-Intrusive Inspection technology prior to release. Stakeholders then schedule with CBP a time and location for the scans to be conducted. Pilots and other stakeholders contact CBP to schedule a time and location for the inspections of commercial and private carriers (including occupants) or commercial vessels upon arrival from foreign countries. Additionally, travelers who carry-on sensitive agriculture via air carrier are required to be inspected by CBP and they must notify CBP prior to their arrival into the United States.

The following legal authorities permit CBP's collection of border crossing information: Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Pub. L. 108–458, 118 Stat. 3638; Immigration and Nationality Act, as codified at 8 U.S.C. 1185 and 1354; Aviation and Transportation Security Act of 2001 (ATSA); Enhanced Border Security and Visa Reform Act of 2002; and Tariff Act of 1930 as amended, 19 U.S.C. 66, 1433, 1459, 1485, 1624, and 2071.

Type of Information Collection: Stakeholder Scheduling Application

Estimated Number of Respondents: 2,000.

Estimated Number of Annual Responses per Respondent: 127.

Estimated Number of Total Annual Responses: 254,000.

Estimated Time per Response: 2 minutes.

Estimated Total Annual Burden Hours: 8,467.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03816 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0139]

Electronic Visa Update System (EVUS)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (86 FR 64507) on November 18, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Electronic Visa Update System (EVUS).

OMB Number: 1651–0139.

Form Number: N/A.

Current Actions: Revision of an existing information collection with no change in burden.

Type of Review: Revision.

Affected Public: Individuals.

Abstract: DHS developed the Electronic Visa Update System (EVUS) to assure robust screening of foreign nationals prior to travel to the United States. EVUS provides for robust traveler screening and verification to better identify foreign nationals who may be inadmissible to the United States. This results in enhanced national security, improved public safety, and a reduced number of delays upon arrival in the United States, all while facilitating legitimate travel.

Initially, the program is limited to nonimmigrant aliens presenting passports issued by the People's Republic of China (PRC) containing unrestricted, maximum validity B–1 (business visitor), B–2 (visitor for pleasure), or combination B–1/B–2 visas, generally valid for 10 years. PRC membership in EVUS became possible on November 12, 2014, when, in a reciprocal agreement, the U.S. Department of State expanded the validity of U.S. visitor visas issued to PRC nationals from one to ten years.

To ensure compliance with the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, Pub. L. 114–113, 129 Stat. 2242, CBP will continuously update the application question with the list of nationals ineligible to travel to the United States under the VWP, as designated in accordance with section 217(a)(12) of the Immigration and Nationality Act, as amended (8 U.S.C. 1187(a)(12)).

Recent Changes: On May 31, 2019, the Department of State updated its immigrant and nonimmigrant visa application forms to request additional information, specifically social media identifiers, from most U.S. visa applicants worldwide. As a result, DHS is changing the EVUS application social media data field from optional to mandatory. National security is the top priority when adjudicating EVUS applications, and every prospective traveler to the United States undergoes extensive security screening. CBP is continually working to find mechanisms to improve our screening processes to protect U.S. visitors while supporting legitimate travel to the United States. DHS already requests information on contacts, travel history, and family members from all EVUS applicants. Changing the social medial field to mandatory in the EVUS application will enhance our vetting capabilities and assist in confirming applicants' identities. While the field is mandatory, applicants will still have the ability to select ''none''.

Type of Information Collection: EVUS

Estimated Number of Respondents: 3,595,904.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 3,595,904.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 1,499,492.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03815 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0029]

Application for Foreign-Trade Zone Admission and/or Status Designation, and Application for Foreign-Trade Zone Activity Permit

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-day notice and request for comments; extension 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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (86 FR 66573) on November 23, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Application for Foreign-Trade Zone Admission and/or Status Designation, and Application for Foreign-Trade Zone Activity Permit.

OMB Number: 1651–0029.

Form Number: 214, 214A, 214B, 214C, and 216.

Current Actions: Extension without change of an existing information collection.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Foreign trade zones (FTZs) are geographical enclaves located within the geographical limits of the United States but for tariff purposes are considered to be outside the United States. Imported merchandise may be brought into FTZs for storage, manipulation, manufacture, or other processing and subsequent removal for exportation, consumption in the United States, or destruction. A company bringing goods into an FTZ has a choice of zone status (privileged/non-privileged foreign, domestic, or zone-restricted), which affects the way such goods are treated by Customs and Border Protection (CBP) and treated for tariff purposes upon entry into the customs territory of the United States.

CBP Forms 214, 214A, 214B, and 214C, which make up the *Application for Foreign-Trade Zone Admission and/or Status Designation,* are used by companies that bring merchandise, except in certain circumstances including, but not limited to, domestic status merchandise, into an FTZ to register the admission of such merchandise into FTZs and to apply for the appropriate zone status. Form 214A is not filled out separately by respondents; it is simply a copy of Form 214 that CBP gives to the Census Bureau. Form 214B is a continuation sheet for Form 214 that respondents use when they need more room to add line items to the form. Form 214C is a continuation sheet for Form 214A that respondents use when they need more room to add line items to the form.

CBP Form 216, *Foreign-Trade Zone Activity Permit,* is used by companies to request approval to manipulate, manufacture, exhibit, or destroy merchandise in an FTZ.

These FTZ forms are authorized by 19 U.S.C. 81 and provided for by 19 CFR 146.22, 146.32, 146.35, 146.36, 146.37, 146.39, 146.40, 146.41, 146.44, 146.52, 146.53, and 146.66. These forms are accessible at: *http://www.cbp.gov/newsroom/publications/forms.*

This collection of information applies to the importing and trade community who are familiar with import procedures and with CBP regulations.

Type of Information Collection: Form 214

Estimated Number of Respondents: 6,749.

Estimated Number of Annual Responses per Respondent: 25.

Estimated Number of Total Annual Responses: 168,725.

Estimated Time per Response: 15 minutes (0.25 hours).

Estimated Total Annual Burden Hours: 42,181.

Type of Information Collection: Form 216.

Estimated Number of Respondents: 2,500.

Estimated Number of Annual Responses per Respondent: 10.

Estimated Number of Total Annual Responses: 25,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 4,167.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03813 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0121]

Trusted Traveler Programs and U.S. APEC Business Travel Card

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-day notice and request for comments; extension 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 March 25, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional 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 proposed information collection was previously published in the **Federal Register** (Volume 86 FR Page 69661) on December 8, 2021, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. 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: Trusted Traveler Programs and U.S. APEC Business Travel Card.

OMB Number: 1651–0121.

Form Number: 823S (SENTRI) and 823F (FAST).

Current Actions: Extension without change of an existing collection.

Type of Review: Extension (without change).

Affected Public: Individuals and businesses.

Abstract: This collection of information is for CBP's Trusted Traveler Programs including the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), which allows expedited entry at specified southwest land border ports of entry; the Free and Secure Trade program (FAST), which provides expedited border processing for known, low-risk commercial drivers; and Global Entry which allows pre-approved, low-risk, air travelers expedited clearance upon arrival into the United States.

The purpose of all of these programs is to provide prescreened travelers expedited entry into the United States. The benefit to the traveler is less time spent in line waiting to be processed. These Trusted Traveler programs are provided for in 8 CFR 235.7 and 235.12.

This information collection also includes the U.S. APEC Business Travel Card (ABTC) Program, which is a voluntary program that allows U.S. citizens to use fast-track immigration lanes at airports in the 20 other Asia-Pacific Economic Cooperation (APEC) member countries. This program is mandated by the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011, Public Law 112–54 and provided for by 8 CFR 235.13.

These collections of information include the data collected on the applications and kiosks for these programs. Applicants may apply to participate in these programs by using the Trusted Traveler Program (TTP) at *https://ttp.cbp.dhs.gov/*. Or at Trusted Traveler Enrollment Centers.

After arriving at the Federal Inspection Services area of the airport, participants in Global Entry can undergo a self-serve inspection process using a Global Entry kiosk. During the self-service inspection, participants have their photograph and fingerprints taken, submit identifying information, and answer several questions about items they are bringing into the United States. When using the Global Entry kiosks, participants are required to declare all articles being brought into the United States pursuant to 19 CFR 148.11.

Type of Information Collection: SENTRI (823S)

Estimated Number of Respondents: 276,579.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 276,579.

Estimated Time per Response: 40 minutes (0.67 hours).

Estimated Total Annual Burden Hours: 185,308.

Type of Information Collection: FAST (823F)

Estimated Number of Respondents: 20,805.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 20,805.

Estimated Time per Response: 40 minutes (0.67 hours).

Estimated Total Annual Burden Hours: 13,939.

Type of Information Collection: Global Entry

Estimated Number of Respondents: 1,392,862.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 1,392,862.

Estimated Time per Response: 40 minutes (0.67 hours).

Estimated Total Annual Burden Hours: 933,217.

Type of Information Collection: ABTC

Estimated Number of Respondents: 9,858.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 9,858.

Estimated Time per Response: 10 minutes (0.17 hours).

Estimated Total Annual Burden Hours: 1,676.

Type of Information Collection: Kiosks

Estimated Number of Respondents: 3,161,438.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 3,161,438.

Estimated Time per Response: 1 minute (0.016 hours).

Estimated Total Annual Burden Hours: 50,583.

Dated: February 17, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03818 Filed 2–22–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2021–N007; FXES11130300000–201–FF03E00000]

Endangered and Threatened Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before March 25, 2022.

ADDRESSES: *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

FOR FURTHER INFORMATION CONTACT: Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
ESPER0003023	Samuel Schratz, Villa Park, IL.	Add Indiana bat (*Myotis sodalis*) to existing authorized species: Gray bat (*M. grisescens*) and northern long-eared bat (*M. septentrionalis*).	Add AL, AR, CT, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, TN, VT, VA, and WV to existing authorized States: DE, DC, FL, LA, ME, MN, MT, NE, NH, ND, RI, SC, SD, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets and harp traps, handle, identify, radio-tag, band, collect nonintrusive measurements, release.	Amend.
TE181256	Chad Lewis, Murray, KY.	Clubshell (*Pleurobema clava*) Fanshell (*Cyprogenia stegaria*) Fat pocketbook (*Potamilus capax*) Higgins' eye pearlymussel (*Lampsilis higginsi*) Northern riffleshell (*Epioblasma torulosa rangiana*) Orange-footed pimpleback pearlymussel (*Plethobasus cooperianus*) Pink mucket pearlymussel (*Lampsilis orbiculata*) Purple cat's paw pearlymussel (*Epioblasma obliquata obliquata*) Rabbitsfoot (*Quadrula cylindrica cylindrica*) Rayed bean (*Villosa fabalis*) Ring pink (*Obovaria retusa*).	AL, AR, KY, IL, IN, IA, MI, MO, MS, OH, PA, TN, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, temporary hold, release.	Renew.
TE130900	Gregory Zimmerman, Enviroscience Inc., Stow, OH.	Seventy freshwater mussel species; Eight freshwater fish species.	AR, KY, FL, GA, IL, IN, IA, MI, MN, MO, OH, TN, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, temporary hold, release.	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE71718A	Bradley Steffen, Cincinnati, OH.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, collect nonintrusive measurements, release.	Renew.
TE02560A	Timothy Carter, Muncie, IN.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*).	IL, IN, IA, MI, MO, OH, WI, GA.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, biosample, enter hibernacula, collect nonintrusive measurements, release.	Renew.
PER0032362	Robert Weck, Columbia, IL.	Illinois cave amphipod (*Gammarus archerondytes*).	IL	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, identify, collect nonintrusive measurements using anesthetic, and release.	New.
TE06873B	Andrew Carson, Cincinnati, OH.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*) Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OK, OH, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, enter hibernacula, collect nonintrusive measurements, and release.	Renew.
TE85233B	Shelly Colatskie, Cedar Hill, MO.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*) Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, MO, MT, ND, NE, NY, OK, OH, PA, SD, TN, VA, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, biosample, enter hibernacula, collect nonintrusive measurements, and release.	Renew.
TE206781	EcoAnalysts, Inc., O'Fallon, MO.	Sixty freshwater mussel species.	AR, CN, CO, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OK, OH, PA, RI, SD, TN, TX, VA, VT, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, collect, handle, release, and relocate due to stranding.	Amend and renew.
TE35521B	Western Ecosystems Technology, Inc., Cheyenne, WY.	Forty-one freshwater mussel species; Thirteen freshwater fish species.	AL, CO, GA, IL, IN, KS, KY, MN, MS, MO, MT, NE, NY, NC, ND, OH, PA, SD, TN, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, release, and relocate due to stranding.	Renew.
TE207523	The Nature Conservancy, Michigan Chapter, Lansing, MI.	Add Eastern Massasauga Rattlesnake (*Sistrurus catenatus*) to existing authorized species: Mitchell's styr butterfly (*Neonympha mitchellii mitchellii*), Karner blue butterfly (*Lycaeides melissa samuelis*), and pitcher's thistle (*Cirsium pitcheri*).	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, and release.	Amend and renew.
TE106217	Toledo Zoological Society, Toledo, OH.	Mitchell's styr butterfly (*Neonympha mitchellii mitchellii*).	MI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Add: New activity—captive propagation—to existing permitted activities: Capture, handle, and hold.	Amend and renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE66634A	U.S. Army Corps of Engineers.	Curtis pearlymussel (*Epioblasma florentina curtisii*) Fat pocketbook (*Potamilus capax*) Orange-foot pimpleback (*Plethobasus cooperianus*) Pink mucket (*Lampsilis abrupta*) Scaleshell (*Leptodea leptodon*) Rabbitsfoot (*Quadrula cylindrica*) Rayed bean (*Villosa fabalis*) Sheepnose (*Plethobasus cyphyus*) Spectaclecase (*Cumberlandia monodonta*) Snuffbox (*Epioblasma triquetra*) Higgin's eye pearlymussel (*Lampsilis higginsii*) Winged mapleleaf (*Quadrula fragosa*).	IL, IA, MO, WI	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture, handle, release, and relocate due to stranding.	Amend and renew.
TE30603C	Diehlux, LLC., Bloomfield, NY.	Rusty patched bumblebee (*Bombus affinis*).	CN, DE, DC, IL, IN, IA, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct scientific research, conduct population monitoring, and evaluate impacts.	Capture, handle, and release.	Renew.
PER0032442	Sarah Stankavich, Columbus, OH.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*).	IL, IN, MI, MO, NJ, NC, OH, PA, WV.	Conduct presence/absence surveys, document habitat use, scientific research, conduct population monitoring, and evaluate impacts.	Harass by ultraviolet light.	New.
TE27915B	Wildlife Specialists, LLC, Wellsboro, PA.	Indiana bat (*Myotis sodalis*) Northern long-eared bat (*M. septentrionalis*) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).	AL, AR, CO, DE, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NH, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT, WI, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, collect nonintrusive measurements, and release.	Renew.
TE98673B	Jason Thomas Layne, Spring Hill, KS.	Indiana bat (*Myotis sodalis*) Gray bat (*M. grisescens*) Northern long-eared bat (*M. septentrionalis*) Virginia big-eared bat (*Corynorhinus townsendii virginianus*) Ozark big-eared bat (*Corynorhinus townsendii ingens*).	AL, AR, CT, DC, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, and evaluate impacts.	Capture with mist-nets, handle, identify, radio-tag, band, collect nonintrusive measurements, and release.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2022–03777 Filed 2–22–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX22EF00COM0000]

Reconciliation of Derogatory Geographic Names Tribal Consultation

AGENCY: Geological Survey, Interior.

ACTION: Notice of tribal consultations.

SUMMARY: The U.S. Department of the Interior (DOI) will conduct Tribal Consultation sessions to obtain oral and written comments on candidate replacement names for geographic feature names recently declared derogatory by DOI Secretary's Order 3404 (S.O. 3404). These sessions will be held virtually.

DATES: Oral comments can be provided at one of three virtual Tribal Consultations to be held on March 21, 2022, from 12:00 p.m.—2:00 p.m. Mountain Time; March 22, 2022, from 11:00 a.m.—1:00 p.m. Pacific Time; and March 23, 2022, from 1:00 p.m.—3:00 p.m. Eastern Time (ET). Please see **SUPPLEMENTARY INFORMATION** below for details on how to participate. Written comments must be received by 11:59 p.m. ET on April 24, 2022.

ADDRESSES: Please include the Feature ID (FID) of the feature(s) of interest when submitting your comment. The FID for each feature is located in Column B of the posted list. Written comments must be submitted via email to *taskforce_consultation@ios.doi.gov* or by mail to Reconciliation of Derogatory Geographic Names, 1849 C Street NW, Room 6657, MS 6640–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joseph Younkle, Special Assistant to the Assistant Secretary for Water and Science, Office of the Assistant Secretary—Water and Science, (202) 853–4345 or at *joseph_younkle@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: On November 19, 2021, Secretary of the Interior Haaland signed S.O. 3404, declaring ''squaw'' as a derogatory term. In accordance with S.O. 3404, a list of candidate geographic names to replace those declared derogatory will be available for Tribal Consultation consistent with DOI policies and procedures. A list of five candidate replacement names for each feature was developed by the U.S. Geological Survey. The candidate replacement names were derived through a search of nearby named geographic features until at least five nearby names were available. The candidate replacement name will replace the derogatory modifier. For example, ''Castle Creek'' is the nearest named feature to ''Squaw Mesa''. The first candidate replacement name for the derogatory named feature would be ''Castle Mesa''.

The Derogatory Geographic Names Task Force (Task Force) created by S.O. 3404 will consider all comments and any proposed additional candidate replacement names received through the Tribal Consultation in developing a single recommended replacement name for each feature. The Board on Geographic Names (BGN) has received several proposals to rename a feature covered by S.O. 3404 through their conventional process, and these proposals are not yet resolved. These proposed names are indicated in the list, will be provided to the Task Force, and will be prioritized ahead of the proposed candidate replacement names on the list.

Replacement names, to the extent possible, shall adhere to BGN Principles, Policies, and Procedures for the Domestic Names Committee. BGN Policy V regarding Derogatory and Offensive Names now applies to the word ''Squaw'' as it is declared derogatory by S.O. 3404. Replacement names proposed during the Tribal Consultation session that are in clear violation of an existing policy will not be considered by the Task Force. The list of all replacement names recommended by the Task Force will be submitted to the BGN Domestic Names Committee for final adjudication.

The list of candidate replacement names under review by the Task Force is available at *https://www.usgs.gov/us-board-on-geographic-names/so3404-candidate-names-list.*

Tribal Consultation sessions will be held virtually at the following date and location:

Date	Time	Venue
March 21, 2022	12:00 p.m.–2:00 p.m. Mountain Time	Zoom: *https://doitalent.zoomgov.com/meeting/register/vJIsf-2tqjgpHeeCaeJZV8O5IvzxVvMKuz4.*
March 22, 2022	11:00 a.m.–1:00 p.m. Pacific Time	Zoom: *https://doitalent.zoomgov.com/meeting/register/vJItf-6rrTsoGWThRM-JXJn_p9diob1iLak.*
March 23, 2022	1:00 p.m.–3:00 p.m. Eastern Time	Zoom: *https://doitalent.zoomgov.com/meeting/register/vJIsdu-ppj0jH4KEJ2NRwHXPIlfyO6i7g-o.*

Authority: The authority for this Order is established under 43 U.S.C. 364–364f.

Michael Tischler,

Director, National Geospatial Program, U.S. Geological Survey, Chair, DOI Derogatory Geographic Names Task Force.

[FR Doc. 2022–03744 Filed 2–22–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX22EF00COM0000]

Reconciliation of Derogatory Geographic Names

AGENCY: Geological Survey, Interior.

ACTION: Notice with public comments.

SUMMARY: The U.S. Department of the Interior (DOI) is requesting public comment on candidate replacement names for geographic feature names recently declared derogatory by DOI Secretary's Order 3404.

DATES: Interested persons are invited to submit comments on or before April 25, 2022.

ADDRESSES: You may send comments, identified by Docket Number DOI–2022–0001, by either of the following methods:

- *Federal eRulemaking Portal:* You may submit written comments online at *http://www.regulations.gov* by entering ''DOI–2022–0001'' in the Search bar and clicking ''Search''.
- *Mail:* Reconciliation of Derogatory Geographic Names, MS–511, U.S. Geological Survey, 12201 Sunrise Valley Dr., Reston, VA 20192.

Instructions: All submissions received must include the agency name and docket number. All comments received

will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please include the Feature ID (FID) of the feature(s) of interest when submitting your comment. The FID for each feature is located in Column B of the posted list.

FOR FURTHER INFORMATION CONTACT: To request additional information about this notice, please submit your question or request to *SO3404_FRNquestions@usgs.gov,* or contact Michael Tischler at 703–344–4348. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, or dial 711. 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 which are 9:00 a.m. to 5:30 p.m., Monday through Friday, except for Federal holidays.

SUPPLEMENTARY INFORMATION: In accordance with DOI Secretary's Order 3404 established under 43 U.S.C. 364–364f, a list of candidate geographic names to replace those declared derogatory by the Secretary's Order will be available for public comment in the **Federal Register** for a period of no less than 30 days. A list of five candidate names for each feature was developed by the U.S. Geological Survey as directed by the Secretary's Order. The candidate replacement names were derived through a search of nearby named geographic features until at least five nearby names were available. The candidate replacement name will replace the derogatory modifier. For example, ''Castle Creek'' is the nearest named feature to ''Squaw Mesa''. The first candidate replacement name for the derogatory named feature would be ''Castle Mesa''. Proposed additional candidate names will also be accepted during the public comment period.

The Derogatory Geographic Names Task Force created by the Secretary's Order will consider all public comments on the list of proposed replacement names and any proposed additional candidate names in developing a single recommended replacement name for each feature. Several proposals to rename a feature covered by SO 3404 have been received by the Board on Geographic Names (BGN) through their conventional process and are not yet resolved. These proposed names are indicated in the list, will be provided to the Task Force, and will be prioritized ahead of the candidate names determined by proximity.

Replacement names, to the extent possible, shall adhere to the Board on Geographic Names Principles, Policies, and Procedures for the Domestic Names Committee. BGN Policy V regarding Derogatory and Offensive Names now applies to the word 'Squaw' as it is declared derogatory by the Secretary's Order. Replacement names proposed during the public comment period that are in clear violation of an existing policy will not be considered by the Task Force. The list of all replacement names recommended by the Task Force will be submitted to the BGN Domestic Names Committee for final adjudication.

The list of candidate names under review by the Task Force is available at *https://www.usgs.gov/us-board-on-geographic-names/so3404-candidate-names-list.*

Authority: The authority for this Order is established under 43 U.S.C. 364–364f.

Michael Tischler,

Director, National Geospatial Program, U.S. Geological Survey, Chair, DOI Derogatory Names Task Force.

[FR Doc. 2022–03748 Filed 2–22–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0047]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Reindeer in Alaska

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 25, 2022.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov*; or via facsimile to (202) 395–5806. Please provide a copy of your comments to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to *comments@bia.gov.* Please reference OMB Control Number 1076–0047 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Keith Kahklen by email at *keith.kahklen@bia.gov* or telephone at (907) 586–7618. 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, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 10, 2021 (86 FR 50737). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal

identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR part 243, Reindeer in Alaska, which is used to monitor and regulate the possession and use of Alaskan reindeer by non-Natives in Alaska. The information to be provided includes an applicant's name and address, and where an applicant will keep the reindeer. The applicant must fill out an application for a permit to get a reindeer for any purpose; and is required to report on the status of reindeer annually or when a change occurs, including changes prior to the date of the annual report. This information collection utilizes four forms. A response is required to obtain and/or retain a benefit.

Title of Collection: Reindeer in Alaska.

OMB Control Number: 1076–0047.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Non-Indians who wish to possess Alaskan reindeer.

Total Estimated Number of Annual Respondents: 4 per year, on average (1 respondent for the Sale Permit for Alaska Reindeer, 1 respondent for the Sale Report Form for Alaska Reindeer, 1 respondent for the Special Use Permit for Alaskan Reindeer, and 1 respondent for the Special Use Reindeer Report).

Total Estimated Number of Annual Responses: 4.

Estimated Completion Time per Response: 5 minutes for the Sale Permit and Report forms; and 10 minutes for the Special Use Permit and Report forms, on average.

Total Estimated Number of Annual Burden Hours: 30 minutes.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once a year, on average.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2022–03783 Filed 2–22–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY9250000–L14400000–ET0000; WYW–149140]

Public Land Order No. 7906 ; Extension of Public Land Order No. 7513; Withdrawal of National Forest System Land for the Tie Hack Campground, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends the duration of the withdrawal created by Public Land Order (PLO) No. 7513, which would otherwise expire on February 20, 2022, for an additional 20-year period. PLO No. 7513 withdrew 20.90 acres of National Forest System land from location and entry under the United States mining laws, but not from the general land laws or mineral leasing laws. The withdrawal extension is necessary to continue protection of the Tie Hack Campground in Johnson County, Wyoming, which would otherwise expire on February 20, 2022.

DATES: This PLO takes effect on February 21, 2022.

FOR FURTHER INFORMATION CONTACT: Keesha Clay, Realty Specialist, at telephone: (307) 775–6189, email: *kclay@blm.gov;* Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Rd, Cheyenne, Wyoming 82009. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at (800) 877–8339 to contact Keesha Clay. 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: This Order extends the existing withdrawal to continue protection of the Tie Hack Campground and the capital investments associated with it.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

PLO No. 7513 (67 FR 8036 (2002)), which withdrew 20.90 acres of National Forest System land from location and entry under the United States mining laws, but not from the general land laws or mineral leasing laws, to protect the Tie Hack Campground facility, is hereby extended for an additional 20-year period.

This withdrawal will expire 20 years from the effective date of this Order unless, as a result of a review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

(Authority: 43 U.S.C. 1714)

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–03839 Filed 2–22–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033404; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of California, Davis, Davis, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California, Davis (UC Davis) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to UC Davis. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not

identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to UC Davis at the address in this notice by March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Megon Noble, NAGPRA Project Manager, University of California, Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616, telephone (530) 752–8501, email *mnoble@ucdavis.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of California, Davis, Davis, CA. The human remains and associated funerary objects were removed from Solano or Yolo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the UC Davis professional staff in consultation with representatives of the Yocha Dehe Wintun Nation, California [previously listed as Rumsey Indian Rancheria of Wintun Indians of California]. The following Indian Tribes were invited to consult in 1995, or later, but did not participate: Big Valley Band of Pomo Indians of the Big Valley Rancheria, California; Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cahto Tribe of the Laytonville Rancheria; California Valley Miwok Tribe, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cloverdale Rancheria of Pomo Indians of California; Coyote Valley Band of Pomo Indians of California; Dry Creek Rancheria Band of Pomo Indians, California [previously listed as Dry Creek Rancheria of Pomo Indians of California]; Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California; Guidiville Rancheria of California; Habematolel Pomo of Upper Lake, California; Hopland Band of Pomo Indians, California [previously listed as Hopland Band of Pomo Indians of the Hopland Rancheria, California]; Jackson Band of Miwuk Indians [previously listed as Jackson Rancheria of Me-Wuk Indians of California]; Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California; Kletsel Dehe Band of Wintun Indians [previously listed as Cortina Indian Rancheria]; Lytton Rancheria of California; Manchester Band of Pomo Indians of the Manchester Rancheria, California [previously listed as Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California]; Middletown Rancheria of Pomo Indians of California; Picayune Rancheria of Chukchansi Indians of California; Pinoleville Pomo Nation, California [previously listed as Pinoleville Rancheria of Pomo Indians of California]; Potter Valley Tribe, California; Redding Rancheria, California; Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California [previously listed as Redwood Valley Rancheria of Pomo Indians of California]; Reno-Sparks Indian Colony, Nevada; Robinson Rancheria [previously listed as Robinson Rancheria Band of Pomo Indians, California]; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Scotts Valley Band of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria [previously listed as Table Mountain Rancheria of California]; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches); and the Wilton Rancheria, California.

Hereafter, all the Indian Tribes listed in this section are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1985, human remains representing, at minimum, one individual were removed from site CA–SOL–364 (UC Davis Accession 426) in Solano County, CA, by UC Davis Faculty member Robert Bettinger, Ph.D., and graduate student Michael Delacorte at the request of the County Coroner. The human remains were uncovered during the excavation of a trench for utility cables. The complete skeleton of at least one individual and the disturbed remains of possibly eight additional individuals were removed from the trench. All the human remains recovered from this site were transferred to the Native American Heritage Commission except for a single bone fragment. No known individual was identified. The 23 associated funerary objects are three pieces of groundstone, one biface, two cores, one core tool, eight pieces of debitage, one flake tool, five pieces of baked clay, and two fragments of freshwater mussel shell.

CA–SOL–364, located in the Suisun Valley, is situated within the southern North Coast Ranges. According to a post-1985 excavation, it was a single component, Early Middle Period (approximately 2,200 B.P. to 1,600 B.P.) habitation and burial site. That excavation revealed an additional 335 Native American burials. Based on historic and anthropological evidence, all human remains and associated funerary objects from this site are affiliated with Patwin cultural groups. The following present-day Indian Tribes are Patwin: The Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Kletsel Dehe Band of Wintun Indians [previously listed as Cortina Indian Rancheria]; and the Yocha Dehe Wintun Nation, California [previously listed as Rumsey Indian Rancheria of Wintun Indians of California]. Hereafter, they are referred to as ''The Affiliated Tribes.''

On an unknown date, human remains representing, at minimum, two individuals were removed from an unknown site along the Monticello Canal (UC Davis Accession 431) in either Solano or Yolo County, CA. The details of the exhumation are unknown. No known individuals were identified. The four associated funerary objects are unidentified lithics.

Monticello Canal lies in the heart of Patwin aboriginal occupation. Based on historic and anthropological evidence, the human remains and associated funerary objects are affiliated with Patwin cultural groups.

In the 1930s, human remains representing, at minimum, one individual were found along Putah Creek, probably near Davis, in Yolo County, CA (UC Davis Accession 428), by Jack Underhill, and subsequently, they were transferred to UC Davis. No known individual was identified. No associated funerary objects are present.

The site lies in the heart of Patwin aboriginal occupation. Based on historic and anthropological evidence, the human remains are affiliated with Patwin cultural groups.

In 1923, human remains representing one individual were found along Putah Creek, probably in Solano or Yolo County, CA (UC Davis Accession 434). No known individual was identified. No associated funerary objects are present.

The site lies in the heart of Patwin aboriginal occupation. Based on historic and anthropological evidence, the human remains are affiliated with Patwin cultural groups.

Determinations Made by the University of California, Davis

Officials of the University of California, Davis have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 27 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Affiliated Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Megon Noble, NAGPRA Project Manager, University of California, Davis, 412 Mrak Hall, One Shields Avenue, Davis, CA 95616, telephone (530) 752–8501 email *mnoble@ucdavis.edu*, by March 25, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Affiliated Tribes may proceed.

The University of California, Davis is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: February 9, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–03742 Filed 2–22–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033402; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Indiana University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Indiana University's NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Indiana University's NAGPRA Office at the address in this notice by March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Jayne-Leigh Thomas, Indiana University, Office of the Native American Graves Protection and Repatriation Act, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Indiana University, Bloomington, IN. The human remains were removed from Maury County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Indiana University professional staff in consultation with representatives of the Cherokee Nation; Eastern Band of Cherokee Indians; and The Chickasaw Nation. The Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe; The Choctaw Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma were invited to consult but did not participate. Hereafter, all Indian Tribes listed in this section are referred to as ''The Consulted and Invited Tribes''.

History and Description of the Remains

On an unknown date, human remains representing, at minimum, one individual were removed from an unknown location in Maury County, TN. The collection came to Indiana University sometime prior to 1956, and it is part of a larger collection known as the ''Cincinnati Series.'' While notes indicate the collection came from the Cincinnati Society of Natural History, there are no documents associated with the transfer to Indiana University. No known individual was identified. No associated funerary objects are present.

Determinations Made by Indiana University

Officials of Indiana University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on additional components of the Cincinnati Series.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties (3rd Treaty of Tellico of 1805, Dearborn's Treaty of 1806, and the 1805 Treaty with The Chickasaw Nation) indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as ''The Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Jayne-Leigh Thomas, Indiana University, Office of the Native American Graves Protection and Repatriation Act, Student Building 318, 701 E Kirkwood Avenue, Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu,* by March 25, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Indiana University is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: February 9, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–03739 Filed 2–22–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033403; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: The Trustees of Reservations, Boston, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Trustees of Reservations in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of objects of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to The Trustees of Reservations. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to The Trustees of Reservations at the address in this notice by March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Mark Wilson, Curator, The Trustees of Reservations, 1 Sergeant Street, P.O. Box 792, Stockbridge, MA 01262 telephone (413) 298–3239 Ext. 3018, email *mwilson@thetrustees.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of The Trustees of Reservations, Boston, MA, that meet the definition of objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Sometime in the 1930s, 20 cultural objects were removed from the Stockbridge-Munsee Community in Wisconsin. Miss Mabel Choate, working through an agent, purchased these objects for display at the Mission House Museum in Stockbridge, MA. (The purchase also included one communion set, which was returned to the Stockbridge-Munsee Community, Wisconsin in 2005; a two-volume Bible, which was returned to the Stockbridge-Munsee Community, Wisconsin in 1989; and six heirlooms of Sachem John Wannuaucon Quinney and Sachem Austin Quinney, which were returned to the Stockbridge-Munsee Community, Wisconsin in 2021.) In 1948, Miss Choate donated the Mission House and its contents, including these objects, to The Trustees of Reservations.

The 20 objects of cultural patrimony are: One woven basket (MH.P.16/8525); one woven basket with handle (MH.P.16/8526); one woven basket with handle (MH.P.16/8529); one tiered hanging basket (MH.P.16/8539); one woven basket (MH.P.16/8542); one basket (MH.P.314); one basket (MH.P.323); one box with lid (MH.P.321); one wood bowl (MH.P.16/8533); one wood bowl (MH.P.311); one food paddle (MH.P.16/8534); one food paddle (MH.P.310); one scoop (MH.P.308); one scoop with animal carving (MH.P.309); one Ziba T. Peters tobacco pipe (MH.P.313.1) and one pipe case (MH.P.313.2); one salt cellar (MH.P.16/8532); one kettle (MH.P.318); one conch shell (MH.C.Z.1); and one John Chickens powder horn (MH.2008.1). The John Chickens powder horn, conch shell, and scoop with animal carving date to the 18th century, while the remainder of the cultural objects listed in this notice date to the 19th century.

In the 1730s, in Stockbridge, Massachusetts, the Stockbridge Mohicans (present-day Stockbridge Munsee Community, Wisconsin) accepted the Reverend John Sergeant as a Christian missionary. In 1785, the Stockbridge Mohicans began to be forcibly removed from Stockbridge. Subsequently, they endured multiple removals from the Northeast before finally arriving in Wisconsin.

Cultural affiliation with the Stockbridge Munsee Community is established through records held in the archives of the Mission House. Consultation with representatives of the Stockbridge Munsee Community confirm that these objects have ongoing historical, traditional, and cultural importance central to the Stockbridge Munsee Community, Wisconsin.

Determinations Made by The Trustees of Reservations

Officials of The Trustees of Reservations have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the 20 cultural objects described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the objects of cultural patrimony and the Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Mark Wilson, Curator, The Trustees of Reservations, 1 Sergeant Street, P.O. Box 792, Stockbridge, MA 01262 telephone (413) 298–3239 Ext. 3018, email *mwilson@thetrustees.org,* by March 25, 2022. After that date, if no additional claimants have come forward, transfer of control of the objects of cultural patrimony to the Stockbridge Munsee Community, Wisconsin may proceed.

The Trustees of Reservations is responsible for notifying the

Stockbridge Munsee Community, Wisconsin that this notice has been published.

Dated: February 9, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–03740 Filed 2–22–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR85672000, 21XR0680A2, RX.31480001.0040000; OMB Control Number 1006–0002]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Recreation Use Data Reports

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before March 25, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently Under 30-day Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to Ronnie Baca, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225–0007; or by email to *rbaca@usbr.gov.* Please reference Office of Management and Budget (OMB) Control Number 1006–0002 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this information collection request (ICR), contact Ronnie Baca by email at *rbaca@usbr.gov,* or by telephone at (303) 445–3257. Individuals who are hearing or speech impaired may call the Federal Relay Service at (800) 877–8339 for TTY assistance. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August 6, 2021 (86 FR 43269). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Reclamation collects agency-wide recreation and concession information to fulfill congressional reporting requirements pursuant to current public laws, including the Federal Water Project Recreation Act (16 U.S.C. 460I), and the Federal Lands Recreation Enhancement Act (16 U.S.C. 87). In addition, collected information will permit relevant program assessments of resources managed by Reclamation, its recreation managing partners, and/or concessionaires for the purpose of contributing to the implementation of Reclamation's mission. More specifically, the collected information enables Reclamation to (1) evaluate the effectiveness of program management based on existing recreation and concessionaire resources and facilities, and (2) validate the efficiency of resources for public use within partner managed recreation resources, located on Reclamation project lands in the 17 Western States. In addition to using an on-line data collection platform, we have streamlined the form used in this ICR by removing two sections that can be collected and maintained by Reclamation employees which lessens the public burden.

Title of Collection: Recreation Use Data Report.

OMB Control Number: 1006–0002.

Form Number: Web-based Form 7–2534—Recreation Use Data Report.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: State, local, or tribal governments; agencies who manage Reclamation's recreation resources and facilities; and commercial concessions, subconcessionaires, and nonprofit organizations located on Reclamation lands with associated recreation services.

Total Estimated Number of Annual Respondents: 212.

Total Estimated Number of Annual Responses: 212.

Estimated Completion Time per Response: 25 minutes.

Total Estimated Number of Annual Burden Hours: 88 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: 0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Karen Knight,

Director, Dam Safety and Infrastructure.

[FR Doc. 2022–03784 Filed 2–22–22; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–589]

African Growth and Opportunity Act (AGOA); Program Usage, Trends, and Sectoral Highlights

AGENCY: International Trade Commission.

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: Following receipt on January 19, 2022, of a request from the Committee on Ways and Means of the U.S. House of Representatives (Committee), under section 332(g) of the Tariff Act of 1930, the U.S. International Trade Commission (Commission) instituted Investigation No. 332–589, *African Growth and Opportunity Act (AGOA): Program Usage, Trends, and Sectoral Highlights.* The Committee requested that the Commission conduct an investigation and provide a report on the AGOA program in general and its usage, and also provide industry case studies to better understand the relative competitiveness of each sector and its impact on workers, economic development, and poverty reduction.

DATES:

May 25, 2022: Deadline for filing requests to appear at the public hearing.
May 27, 2022: Deadline for filing prehearing briefs and statements.
June 1, 2022: Deadline for filing electronic copies of oral hearing statements.
June 9, 2022: Public hearing.
June 16, 2022: Deadline for filing post-hearing briefs and statements.
October 27, 2022: Deadline for filing all other written submissions.
March 17, 2023: Transmittal of Commission report to the USTR.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Project Leader Amelia Shister (*josephine.shister@usitc.gov* or 202–205–2047) or Deputy Project Leaders Karen Thome (*karen.thome@usitc.gov* or 202–205–2070) and Samuel Goodman (*samuel.goodman@usitc.gov* or 202–205–3464) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (*william.gearhart@usitc.gov* or 202–205–3091). The media should contact Jennifer Andberg, Office of External Relations (*jennifer.andberg@usitc.gov* or 202–205–1819). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). 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.

Background

As requested by the Committee under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission will include the following in its report:

1. An overview of the AGOA program and its use, which should include, to the extent practicable:

a. A description of the program, including eligibility requirements, rules of origin, and scope of product coverage, including products not eligible for duty-free treatment under AGOA;

b. An overview of U.S. imports from AGOA eligible countries to the United States, highlighting the top exporting countries and top primary and value-added products, and separately identifying imports entered under AGOA, imports entering under an AGOA-eligible tariff line where no preference was claimed, and imports of non-AGOA eligible goods;

c. Identification of countries and sectors where AGOA utilization rates are, respectively, high and low, and broad factors that explain this; and

d. A qualitative examination, including a review of the available literature, of the role that AGOA has played in regional integration, and the extent to which AGOA has impacted workers and underserved communities, and contributed to economic development—including job growth and poverty reduction—in SSA countries.

2. Case studies for the following industries, to the extent practicable:

a. Cotton

i. An overview of the cotton industry in AGOA beneficiary countries, identifying top AGOA producers and trends in production, consumption, and exports, and including a discussion of how the sector contributes to employment, economic development, and poverty reduction;

ii. A qualitative analysis of the competitive strengths and weaknesses of production and exports of cotton in SSA countries; and

iii. An examination of the use of SSA-grown cotton in the AGOA or SSA apparel supply chain.

b. Apparel

i. An overview of the apparel industry in AGOA beneficiary countries, identifying top AGOA producers and trends in production, consumption, and exports, and including a discussion of how the sector contributes to employment, economic development, and poverty reduction;

ii. A qualitative analysis of the competitive strengths and weaknesses of production and exports of apparel in SSA countries;

iii. Explanation of AGOA's additional apparel eligibility requirements and the effect of the loss and recovery of AGOA beneficiary status on the apparel industry;

iv. A description of the AGOA rules of origin for apparel and an examination of the relationship between the rules and production and exports to the United States; and

v. An examination of the degree of regional integration in the apparel supply chain in AGOA countries and, to the extent available, information regarding the country of origin of inputs, such as fabrics, yarns, fibers, and trims.

c. Certain Chemicals

i. An overview of the chemicals industry in AGOA beneficiary countries, identifying top AGOA producers and trends in production, consumption, and exports, and including a discussion of how the sector contributes to employment, economic development, and poverty reduction;

ii. A qualitative analysis of the competitive strengths and weaknesses of production and exports of certain chemical products in SSA countries; and

iii. An examination of the relationship between AGOA preferences and SSA exports of certain chemicals to the U.S. market.

d. Cocoa

i. An overview of the cocoa industry, including growing operations and processing, in AGOA beneficiary countries, identifying top AGOA producers and trends in production, consumption, and exports, and including a discussion of how the sector contributes to employment, economic development, and poverty reduction;

ii. A qualitative analysis of the competitive strengths and weaknesses of production and exports of cocoa in SSA countries; and

iii. An examination of the relationship between AGOA preferences and SSA exports of cocoa and cocoa-related products to the U.S. market.

The Committee requested that the Commission transmit its report no later than 14 months following receipt of this request. In its request letter, the Committee stated that it intends to make the Commission's report available to the public in its entirety and asked that the Commission not include any confidential business information.

Public Hearing

A public hearing in connection with this investigation will be held beginning at 9:30 a.m. on June 9, 2022. Information about how to participate in the hearing, including whether it will be virtual, will be posted on the Commission's website no later than May 2, 2022, at *https://usitc.gov/research_and_analysis/what_we_are_working_on.htm.* Once on that web page, scroll down to Investigation No. 332–589, *African Growth and Opportunity Act (AGOA): Program Usage, Trends, and Sectoral Highlights,* and click on the link to ''Hearing Information.'' Interested parties should check the Commission's website periodically for updates.

Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., May 25, 2022, in accordance with the requirements in the ''Written Submissions'' section below. All prehearing briefs and statements should be filed not later than 5:15 p.m., May 27, 2022. To facilitate the hearing, including the preparation of an accurate written transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, June 1, 2022. All post-hearing briefs and statements should be filed no later than 5:15 p.m., June 16, 2022. Post-hearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the ''Definitions'' section below.

In the event that, as of the close of business on May 25, 2022, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should check the Commission website at the location listed two paragraphs above for information concerning whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary and should be received not later than the date specified in this notice. All written submissions must conform to the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at 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 electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), or consult the Commission's Handbook on Filing Procedures.

Definitions of Types of Documents That May Be Filed; Requirements

In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: Prehearing briefs, oral hearing statements, post-hearing briefs, and other written submissions.

(1) Prehearing briefs refers to written materials relevant to the investigation and submitted in advance of the hearing, and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Oral hearing statements (testimony)* refers to the actual oral statement that you intend to present at the public hearing. *Do not* include any confidential business information in that statement. If you plan to testify, you must file a copy of your oral statement by the date specified in this notice. This statement will allow Commissioners to understand your position in advance of the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (*e.g.,* names spelled correctly).

(3) *Post-hearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) Should be limited to matters that arose during the hearing, (b) should respond to any Commissioner and staff questions addressed to you at the hearing, (c) should clarify, amplify, or correct any statements you made at the hearing, and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refers to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

There is no standard format that a brief or other written submission must follow. However, each such document must identify on its cover (1) the type of document filed (*i.e.,* prehearing brief, oral statement of (name), post-hearing brief, or written submission), (2) the name of the person or organization filing it, and (3) whether it contains confidential business information (CBI). If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than oral hearing statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential Business Information

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

As requested by the Committee, the Commission will not include any confidential business information in its report. However, all information, including confidential business information, submitted in 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 for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a way that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions

Persons wishing to have a summary of their position included in the report that the Commission sends to the Committee should include a summary with their written submission and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words, should be in MS Word format or a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: February 16, 2022.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2022–03806 Filed 2–22–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–668–669 and 731–TA–1565–1566 (Final)]

Urea Ammonium Nitrate (UAN) Solutions From Russia and Trinidad and Tobago Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–668–669 and 731–TA–1565–1566 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of urea ammonium nitrate (UAN) solutions from Russia and Trinidad and Tobago, provided for in subheading 3102.80.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be subsidized and sold at less-than-fair-value.

DATES: February 2, 2022.

FOR FURTHER INFORMATION CONTACT: Tyler Berard (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.— For purposes of these investigations, Commerce has defined the subject merchandise as ''all mixtures of urea and ammonium nitrate in aqueous or ammonia solution, regardless of nitrogen concentration by weight, and regardless of the presence of additives, such as corrosion inhibiters and soluble micro or macronutrients (UAN). Subject merchandise includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, adding or removing additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country. The scope also includes UAN that is commingled with UAN from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of these investigations.''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Russia and Trinidad and Tobago of urea ammonium nitrate (UAN) solutions, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on June 30, 2021, by CF Industries Nitrogen, LLC and its subsidiaries, Terra Nitrogen, Limited Partnership and Terra International (Oklahoma) LLC, all of Deerfield, Illinois.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

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.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be

maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 24, 2022, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on June 16, 2022. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 7, 2022. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 14, 2022. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is May 31, 2022. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 23, 2022. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 23, 2022. On July 11, 2022, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before July 13, 2022, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 16, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03785 Filed 2–22–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0339]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Comments Requested: Generic Clearance for Cognitive, Pilot and Field Studies for Bureau of Justice Statistics Data Collection Activities

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS), intends to request approval from the Office of Management and Budget (OMB) for a generic information collection clearance that will allow BJS to conduct a variety of cognitive, pilot, and field test studies. BJS will submit the request for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until March 25, 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: Over the next three years, BJS anticipates undertaking a variety of new surveys and data collections, as well as reassessing ongoing statistical projects, across a number of areas of criminal justice, including law enforcement, courts, corrections, and victimization. This work will entail developing new survey instruments, redesigning and/or modifying existing surveys, procuring administrative data from state and local government entities, and creating or modifying establishment surveys. BJS will engage in cognitive, pilot, and field test activities to refine instrumentation and data collection methodologies, inform BJS data collection protocols, develop accurate estimates of respondent burden, and minimize respondent burden associated with each new or modified data collection. BJS envisions using a variety of techniques, including (but not limited to): Tests of different types of survey and data collection operations; focus groups; cognitive testing; pilot testing; exploratory interviews; experiments with questionnaire design; and usability testing of electronic data collection instruments.

Following standard Office of Management and Budget (OMB) requirements, BJS will submit a change request to OMB individually for every group of data-collection activities undertaken under this generic clearance. BJS will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project.

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 Bureau of Justice Statistics, 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 of a currently approved collection.

(2) *The Title of the Form/Collection:* Generic Clearance for cognitive, pilot and field studies for Bureau of Justice Statistics data collection activities.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers not available for generic clearance. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Administrators or staff of state and local agencies or programs in the relevant fields; administrators or staff of non-government agencies or programs in the relevant fields; individuals; policymakers at various levels of government.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* We estimate that approximately 30,000 respondents will be involved in exploratory, field test, pilot, cognitive, and focus group work conducted under this clearance over the requested 3-year clearance period. The average response time per respondent will be specific to each project covered under the clearance. Specific estimates of the number of respondents and the average response time are not known for each pilot study or development project covered under a generic clearance at this time. Project specific estimates will be submitted to OMB separately for each project conducted under this clearance.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 20,000 hours. BJS originally estimated that the total respondent burden for the projects would be about 20,000 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 17, 2022.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–03833 Filed 2–22–22; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Information Advisory Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Request for nominations for membership on the Workforce Information Advisory Council.

SUMMARY: The Department of Labor (DOL) invites interested parties to submit nominations for individuals to serve on the Workforce Information Advisory Council (WIAC) and announces the procedures for those nominations. There is a vacant position on the WIAC representing businesses. While this notice is directed specifically to obtaining nominations for the current vacancy for a representative of businesses, individuals qualified for the other seven membership categories listed below in the Supplementary Information section are invited to submit nomination materials, and DOL will consider these nominees in the event that seats in those categories become available. When submitting nomination materials, please indicate the category or categories for which the nominee would like to be considered. Information regarding the WIAC can be found at *https://www.dol.gov/agencies/eta/wioa/wiac.*

DATES: To be considered, nominations for individuals to serve on the WIAC must be submitted electronically by March 25, 2022.

ADDRESSES: You may submit nominations and supporting materials described in this **Federal Register** Notice by the following method:

Electronically: Submit nominations, including attachments, by email using the following address: *WIAC@dol.gov* (use subject line ''Nomination—Workforce Information Advisory Council''). The Department will not accept nominations by mail, express delivery, hand delivery, messenger, courier service, or facsimile.

FOR FURTHER INFORMATION CONTACT: Steve Rietzke, WIAC Designated Federal Officer, 202–693–3912, or by email at *WIAC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 15 of the Wagner-Peyser Act, 29 U.S.C. 49*l*–2, as amended by sec. 308 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), Public Law 113–128, requires the Secretary of Labor (Secretary) to establish a WIAC.

The statute, as amended, requires the Secretary of Labor (Secretary), acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, to formally consult at least twice annually with the WIAC to address: (1) Evaluation and improvement of the nationwide workforce and labor market information system established by the Wagner-Peyser Act and of the statewide systems that comprise the nationwide system; and (2) how DOL and the States will cooperate in the management of those systems. The Secretary, acting through the Bureau of Labor Statistics (BLS) and the Employment and Training Administration (ETA), and in consultation with the WIAC and appropriate federal agencies, must also develop a two-year plan for management of the labor market information system. The statute generally prescribes how the plan is to be developed and implemented, outlines the contents of the plan, and requires the Secretary to submit the plan to designated authorizing committees in the House and Senate.

By law, the Secretary must ''seek, review, and evaluate'' recommendations from the WIAC, and respond in writing to the Council. The WIAC must make written recommendations to the Secretary on the evaluation and improvement of the workforce and labor market information system, including recommendations for the two-year plan.

The two-year plan, in turn, must describe WIAC recommendations and the extent to which the plan incorporates them.

The Department anticipates that the WIAC will accomplish its objectives by, for example: (1) Studying workforce and labor market information issues; (2) seeking and sharing information on innovative approaches, new technologies, and data to inform employment, skills training, and workforce and economic development decision making and policy; and 3) advising the Secretary on how the workforce and labor market information system can best support workforce development, planning, and program development.

Pertinent information about the WIAC, including recommendations, reports, background information, agendas, and meeting minutes, can be accessed at the WIAC's website located at *https://www.dol.gov/agencies/eta/wioa/wiac.*

Section 15(d)(2)(B) of the Wagner-Peyser Act requires the WIAC to have 14 members, appointed by the Secretary, consisting of:

(1) Four members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in sec. 4 of the Wagner-Peyser Act (an agency designated or authorized by the Governor to cooperate with the Secretary of Labor), who have been nominated by such agencies or by a national organization that represents such agencies;

(2) Four members who are representatives of the State workforce and labor market information directors affiliated with the State agencies responsible for the management and oversight of the workforce and labor market information system, as described in Wagner-Peyser Act sec. 15(e)(2), who have been nominated by the directors;

(3) One member who is a representative of providers of training services under WIOA sec. 122 (Identification of Eligible Providers of Training Services);

(4) One member who is a representative of economic development entities;

(5) One member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

(6) One member who is a representative of labor organizations, who has been nominated by a national labor federation;

(7) One member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

(8) One member who is a representative of research entities that use workforce and labor market information.

The Secretary must ensure that the membership of the WIAC is geographically diverse, and that no two members appointed under clauses (1), (2), or (7) above represent the same State. Please note, the members whom the Secretary appoints to fill these vacancies will serve the balance of their predecessors' unexpired terms, in this case from the date of appointment until March 9, 2023. Members of the Council will serve on a voluntary and generally uncompensated basis but will be reimbursed for travel expenses to attend WIAC meetings, including per diem in lieu of subsistence, as authorized by the Federal travel regulations.

The WIAC is a permanent advisory council and, as such, is not governed by the Federal Advisory Committee Act's (FACA) sec. 14, on termination of advisory committees. In other respects, however, WIAC membership will be consistent with the FACA requirement that membership be ''fairly balanced in terms of the points of view represented and the functions to be performed'' (5 U.S.C. App. 2, sec. 5(b)(2)), as specified in Wagner-Peyser sec. 15(2)(B) & (C), and the requirement that members come from ''a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions'' of the WIAC (41 CFR 102–3.60(b)(3)). Under the FACA regulation, the composition of the WIAC will, therefore, depend upon several factors, including: (i) The WIAC's mission; (ii) the geographic, ethnic, social, economic, or scientific impact of the WIAC's recommendations; (iii) the types of specific perspectives required; (iv) the need to obtain divergent points of view on the issues before the WIAC, such as those of consumers, technical experts, the public at large, academia, business, or other sectors; and (v) the relevance of State, local, or tribal governments to the development of the WIAC's recommendations (41 CFR 102–3, Subpart B, Appendix A).

To the extent permitted by FACA and other applicable laws, WIAC membership should also be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

Nominations Process: Nominations for a representative of businesses must be nominated by national business organizations or trade associations. Please refer to the special requirements listed in the section above regarding the nomination process for the other seven WIAC representative categories.

To nominate an individual for appointment to the WIAC, please submit, to one of the addresses listed below, the following information:

- A copy of the nominee's resume or *curriculum vitae;*
- A cover letter that provides your reason(s) for nominating the individual, the constituency area that they represent (as outlined above in the WIAC membership identification discussion), and their particular expertise for contributing to the national policy discussion on: (1) The evaluation and improvement of the nationwide workforce and labor market information system and statewide systems that comprise the nationwide system; and (2) how the Department of Labor and the States will cooperate in the management of those systems, including programs that produce employment-related statistics and State and local workforce and labor market information; and
- Contact information for the nominee (name, title, business address, business phone, and business email address).

In addition, the cover letter must state the nomination is being made in response to this **Federal Register** Notice and the nominee (if nominating someone other than oneself) has agreed to be nominated and is willing to serve on the WIAC. Nominees will be appointed based on their qualifications, professional experience, and demonstrated knowledge of issues related to the purpose and scope of the WIAC, as well as diversity considerations. The Department will publish a list of the new WIAC members on the WIAC's website at *https://www.dol.gov/agencies/eta/wioa/wiac.*

Angela Hanks,

Acting Assistant Secretary for Employment and Training Administration, Labor.

[FR Doc. 2022–03199 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Benefit Accuracy Measurement (BAM) Program

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Benefit Accuracy Measurement (BAM) Program.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 25, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Rhonda Cowie by telephone at 301–693–3821 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *cowie.rhonda.m@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4520, 200 Constitution Avenue NW, Washington, DC 20210, by email at *cowie.rhonda.m@dol.gov,* or by Fax at 202–693–3975.

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

Since 1987, all State Workforce Agencies (SWA), except the U.S. Virgin Islands, have been required by regulation at 20 CFR part 602 to operate BAM programs to assess the accuracy of their unemployment insurance (UI) benefit payments in three programs: State UI, Unemployment Compensation for Federal Employees (UCFE), and Unemployment Compensation for Ex-servicemembers (UCX). Beginning in 2001, BAM was modified to include the sampling and investigation of UI claims denied for monetary, separation, or nonseparation issues.

BAM is one of the tools DOL uses to measure and reduce improper payments in the UI program. By investigating small representative weekly samples of both paid and denied UI claims, each SWA calculates a reliable estimate of the number and dollar value of proper and improper payments; the number of proper and improper denials of claims for UI benefits; the rates of occurrence of these proper and improper payments and denials; and the error types, error causes, and the parties that are responsible for the errors.

Paid Claims Accuracy. Each week, SWAs select random samples of both intrastate and interstate original payments (including combined wage claims) made for a week of UI benefits under the State UI, UCX, and UCFE programs. A sample of 360 cases per year are pulled in the 10 SWAs with the smallest UI program workloads (defined as the average annual UI weeks paid during the last five years) and 480 cases per year in the other SWA. SWA BAM staff audit each selected claim, examining all aspects of a claimant's eligibility to receive UI benefits during the sampled week. The findings are entered into an automated database that is maintained on a computer located in each SWA.

Denied Claims Accuracy (DCA). Each week, SWAs select random samples from three separate sampling frames constructed from the universes of UI claims for which eligibility was denied for monetary, separation, and nonseparation reasons. All SWAs sample a minimum of 150 cases of each denial type in each calendar year. SWA BAM staff members review agency records and contact claimants, employers, and all other relevant parties to verify information in agency records or obtain additional information pertinent to the determination that denied eligibility for UI benefits. Unlike the investigation of paid claims, in which all prior determinations affecting claimant eligibility for the compensated week selected for the sample are evaluated, the investigation of denied claims is limited to the issue upon which the denial determination is based. The findings are entered into an automated database that is maintained on a computer located in each SWA.

DOL maintains a database of each SWA's BAM paid and denied claims cases, minus any personally identifying information. DOL uses BAM data to measure SWA performance with respect to UI payment integrity and to meet the DOL's reporting requirements of the Payment Integrity Information Act of 2019 and the Government Performance and Results Act. DOL also relies heavily on BAM data for information on UI operations, such as claims filing method, UI wage replacement rates, and claimant characteristics. The results of the BAM survey are reported annually on the ETA website at the following link: *https://oui.doleta.gov/unemploy/bqc.asp.* The Payment Integrity Information Act of 2019 (31 U.S.C. 3352) and Section 303(a)(6) of the Social Security Act authorize this information collection.

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 it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0245. Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Unemployment Insurance Benefit Accuracy Measurement.

Form: BAM State Operations Handbook (ET Handbook 395, 5th edition).

OMB Control Number: 1205–0245.

Affected Public: State Workforce Agencies (Primary), individuals, businesses, and not-for-profit institutions.

Estimated Number of Respondents: 181,633.

Frequency: Varies.

Total Estimated Annual Responses: 228,745.

Estimated Average Time per Response: Varies.

Estimated Total Annual Burden Hours: 618,084 hours.

Total Estimated Annual Other Cost Burden: $0.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–03765 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Certification Process for the Temporary Employment of H–2A and H–2B Foreign Workers in the United States: Annual Update to Allowable Monetary Charges for Agricultural Workers' Meals and for Travel Subsistence Reimbursement, Including Lodging

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is issuing this notice to announce the annual updates to allowable monetary charges employers of H–2A workers, in occupations other than herding or production of livestock on the range, may charge these workers when the employer provides three meals per day. This notice also announces the maximum travel subsistence meal reimbursement a worker with receipts may claim under the H–2A and H–2B programs. Finally, this notice includes a reminder regarding employers' obligations with respect to overnight lodging costs as part of required subsistence.

DATES: This notice is effective on February 23, 2022.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5311, Washington, DC 20210, telephone (202) 693–8200 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY/TDD by calling the toll-free Federal Information Relay Service at 1 (877) 889–5627.

SUPPLEMENTARY INFORMATION: The U.S. Citizenship and Immigration Services of the Department of Homeland Security will not approve an employer's petition for the admission of H–2A or H–2B nonimmigrant temporary workers in the U.S. unless the petitioner has received an H–2A or H–2B labor certification from DOL. The labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. *See* 8 U.S.C. 1101(a)(15)(H)(ii)(a) and (b), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5) and (6); 20 CFR 655.1(a) and 655.100.

Allowable Meal Charge

H–2A agricultural employers who are employing workers in occupations other than herding or production of livestock on the range must offer and provide each worker three meals per day or provide the workers free and convenient cooking facilities.[1] *See* 20 CFR 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals. *See id.* The amount of meal charges is governed by 20 CFR 655.173.

By regulation, DOL has established the methodology for determining the maximum amount that H–2A agricultural employers may charge workers for providing them with three meals per day. *See* 20 CFR 655.173(a). This methodology allows for annual adjustments of the previous year's maximum allowable charge based on the updated Consumer Price Index for All Urban Consumers for Food (CPI–U for Food), not seasonally adjusted. *See id.* The maximum amount employers may charge workers for providing meals is adjusted annually by the 12-month percentage change in the CPI–U for Food for the prior year (*i.e.,* between December of the year just concluded and December of the prior year). *See id.* The Office of Foreign Labor Certification (OFLC) Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day if the higher amount is justified and sufficiently documented by the employer, as set forth in 20 CFR 655.173(b).

The percentage change in the CPI–U for Food between December 2020 and December 2021 was 6.3 percent.[2] Thus, the annual update to the H–2A allowable meal charge is calculated by multiplying the current allowable meal charge ($13.17) by the 12-month percentage change in the CPI–U for Food between December 2020 and December 2021 ($13.17 × 1.063 = $14.00). Accordingly, the updated maximum allowable charge under 20 CFR 655.122(g) and 655.173 is $14.00 per day, and an employer is not permitted to charge a worker more than $14.00 per day unless the OFLC Certifying Officer approves a higher charge, as authorized under 20 CFR 655.173(b).[3]

Reimbursement for Travel-Related Subsistence

H–2B and H–2A employers must pay reasonable travel and subsistence costs, including the costs of meals and lodging, incurred by workers during travel to the worksite from the place from which the worker has come to work for the employer and from the place of employment to the place from which the worker departed to work for the employer, as well as any such costs incurred by the worker incident to obtaining a visa authorizing entry to the United States for the purpose of H–2A or H–2B employment. *See* 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

Specifically, an H–2A employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of daily travel-related subsistence between the employer's

[1] H–2A employers must provide workers engaged in herding or the production of livestock on the range meals or food to prepare meals without charge or deposit charge. *See* 20 CFR 655.210(e).

[2] Consumer Price Index—December 2021, published January 12, 2022, at *https://www.bls.gov/news.release/archives/cpi_01122022.pdf.*

[3] In 2021, the maximum allowable charge under 20 CFR 655.122(g) and 655.173 was $13.17 per day. *See* 86 FR 13756 (Mar. 10, 2021).

worksite and the place from which the worker has come to work for the employer, if the worker completes 50 percent of the work contract period. The employer must provide (or pay at the time of departure) the worker's return costs upon the worker completing the contract or being dismissed without cause. *See* 20 CFR 655.122(h)(1) and (2).

Similarly, an H–2B employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of transportation and daily subsistence between the employer's worksite and the place from which the worker has come to work for the employer—if the worker completes 50 percent of the job order period—and upon the worker completing the job order period or being dismissed early (for any reason), return costs as well. *See* 20 CFR 655.20(j)(1)(i) and (ii).

The minimum amount of daily travel subsistence expense for meals for which a worker is entitled to reimbursement must be at least as much as the employer would charge for providing the worker with three meals per day during employment (if applicable). Under no circumstances may the employer reimburse workers less than the amount permitted under 20 CFR 655.173(a) (*i.e.,* the current year's daily meal charge amount of $14.00). The maximum amount an employer is required to reimburse workers for daily travel-related subsistence, as evidenced with receipts, is equal to the standard Continental United States (CONUS) per diem rate, as established by the General Services Administration (GSA) at 41 CFR part 301, formerly published in Appendix A and now found at *https://www.gsa.gov/travel/plan-book/per-diem-rates. See* Maximum Per Diem Reimbursement Rates for the Continental United States, 86 FR 45731 (Aug. 16, 2021) (2021 Update). The standard CONUS meals and incidental expenses rate is $59.00 per day for 2022.[4] Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the standard CONUS meals and incidental expenses rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may limit the meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals, or $44.25, based on the GSA per diem schedule. *See* 2021 Update, 86 FR at 45731. If a worker does not provide receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.173, as specified above.

If transportation and lodging are not provided by the employer, the amount an employer must pay for transportation and, where required, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for the worker to travel to the worksite if the worker completes 50 percent of the work contract period but is not responsible for unauthorized detours. The employer also is responsible for the costs of return transportation and subsistence, including lodging costs where necessary, as described above. These requirements apply equally to instances where the worker is traveling within the U.S. to the employer's worksite. *See* 20 CFR 655.122(h)(1) and (2) and 655.20(j)(1)(i) and (ii).

For further information on when the employer is responsible for lodging costs, please see the DOL's H–2A Frequently Asked Questions on Travel and Daily Subsistence, on OFLC's website at *https://www.dol.gov/agencies/eta/foreign-labor.*

Authority: 20 CFR 655.173.

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–03762 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–FP–P

[4] *See id.*

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Unemployment Compensation for Ex-Servicemembers, Handbook No. 384

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed revision to the information collection request (ICR) titled, ''Unemployment Compensation for Ex-servicemembers Handbook No. 384.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by April 25, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Jorge Colón by telephone at (202) 693–0173 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Colon.Jorge.D@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Ave. NW, S–4524, Washington, DC 20210; or by email: *Colon.Jorge.D@dol.gov* or by Fax at 202–693–3975.

FOR FURTHER INFORMATION CONTACT: Jorge Colón by telephone at (202) 693–0173 (this is not a toll-free number) or by email at *Colon.Jorge.D@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed. This notice reflects a revision changing the burden for the frequency of responses per respondent, reducing the frequency from 51.5 to 36.

State Workforce Agencies (SWA) administer the Unemployment Compensation for Ex-servicemembers (UCX) program in accordance with the same terms and provisions of the paying State's unemployment insurance laws, which apply to unemployed claimants who worked in the private sector. SWAs must be able to obtain certain information (wage and separation data) about each claimant filing claims for UCX benefits in order to determine their eligibility for benefits. DOL has prescribed a form to enable SWAs to obtain this necessary information from the Military Branches. Form ETA–843 is essential to the UCX claims process, and the frequency of use varies depending upon the circumstances involved. Sections 8521–8525 of Title 5 of the U.S. Code authorize this information collection.

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 it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB 1205–0176.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Unemployment Compensation for Ex-servicemembers Handbook No. 384.

Form: ETA–843.

OMB Control Number: 1205–0176.

Affected Public: State Workforce Agencies.

Estimated Number of Respondents: 53.

Frequency: 36.

Total Estimated Annual Responses: 1,908.

Estimated Average Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 158 hours.

Total Estimated Annual Other Cost Burden: $0.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–03766 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of the Extended Benefit (EB) Program for New Mexico

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB program that has occurred since the publication of the last notice regarding the State's EB status:

- Based on the data released by the Bureau of Labor Statistics on January 25, 2022, the seasonally-adjusted Total Unemployment Rate (TUR) for New Mexico fell below the 6.5% threshold necessary to remain ''on'' in EB. Therefore the payable period in EB for New Mexico will end on February 19, 2022.

The trigger notice covering state eligibility for the EB program can be found at: *http://ows.doleta.gov/unemploy/claims_arch.as*.

Information for Claimants

The duration of benefits payable in the EB program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state ending an EB period, the State Workforce Agency will furnish a written notice to each individual who is currently filing a claim for EB of the forthcoming end of the EB period and its effect on the individual's rights to EB (20 CFR 615.13(c)(4)).

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance Room S–4524, Attn: Kevin Stapleton, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693–3009 (this is not a toll-free number) or by email: *Stapleton.Kevin@dol.gov*.

Signed in Washington, DC.

Angela Hanks,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2022–03764 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; PTE 1990–1; Insurance Company Pooled Separate Accounts

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–

693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' Prohibited Transaction Class Exemption (PTE) 90–1 provides an exemption from the restrictions of section 406, in part, for certain transactions between insurance company pooled separate accounts and parties in interest to plans that invest assets in the pooled separate accounts. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: PTE 1990–1; Insurance Company Pooled Separate Accounts.

OMB Control Number: 1210–0083.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 108.

Total Estimated Number of Responses: 1,080.

Total Estimated Annual Time Burden: 180 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03758 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Foreign Currency Transactions; Prohibited Transaction Class Exemption 1994–20

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' Prohibited Transaction Class Exemption (PTE) 94–20 permits banks, broker-dealers, and their affiliates that are parties in interest to a plan to engage in foreign currency transactions with the plan, provided the transaction is directed by a plan fiduciary independent of the bank, broker-dealer, and their affiliates and that certain other conditions are satisfied. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Foreign Currency Transactions; Prohibited Transaction Class Exemption 1994–20.

OMB Control Number: 1210–0085.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 242.

Total Estimated Number of Responses: 1,210.

Total Estimated Annual Time Burden: 202 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03759 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Research Exception Notice

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Genetic Information Nondiscrimination Act of 2008 (GINA), Public Law 110–233, was enacted on May 21, 2008. Title I of GINA amended the Employee Retirement Income Security Act of 1974 (ERISA), the Public Health Service Act (PHS Act), the Internal Revenue Code of 1986 (the Code), and the Social Security Act (SSA) to prohibit discrimination in health coverage based on genetic information. GINA and the interim final regulations (29 CFR 2590.702A(c)(5)) provide an exception to the limitations on requesting or requiring genetic testing that allows a group health plan or group health insurance issuer to request, but not require, a participant or beneficiary to undergo a genetic test if all conditions of the research exception are satisfied. The Participant Disclosure and the Notice required under the conditions are the information collection requests (ICRs) contained in the interim final rules. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Genetic Information Nondiscrimination Act of 2008 Research Exception Notice.

OMB Control Number: 1210–0136.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 48.

Total Estimated Number of Responses: 48.

Total Estimated Annual Time Burden: 12 hours.

Total Estimated Annual Other Costs Burden: $185.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03756 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Cross-Trades of Securities by Index and Model-Driven Funds; Prohibited Transaction Class Exemption 2002–12

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' PTE 2002–12

permits private-sector pension plans and the Federal Thrift Savings Plan to invest plan assets in certain types of investment funds that participate in passive or model-driven ''cross-trading'' (purchase and sale of securities) programs pursuant to objective criteria specified in the exemption. Cross-trades occur whenever a manager causes the purchase and sale of a particular security to be made directly between two or more investment funds under his/her management. If one or both of the funds contain invested assets of a pension plan, the cross-trade could constitute a prohibited transaction, in the absence of the exemption. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Cross-Trades of Securities by Index and Model-Driven Funds; Prohibited Transaction Class Exemption 2002–12.

OMB Control Number: 1210–0115.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 60.

Total Estimated Number of Responses: 840.

Total Estimated Annual Time Burden: 855 hours.

Total Estimated Annual Other Costs Burden: $1,290.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03754 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Definition of Plan Assets—Participant Contributions

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Department's regulation at 29 CFR 2510.3–102 states that monies that a participant pays to, or has withheld by, an employer for contribution to an employee benefit plan become ''plan assets'' for purposes of Title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code (the Code) as of the earliest date on which such monies can be reasonably segregated from the employer's general assets. The regulation includes a procedure through which an employer receiving or withholding participant contributions for an employee pension benefit plan may obtain a 10-business-day extension of the 15-day maximum time period if certain requirements, including information collection requirements, are met. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Definition of Plan Assets—Participant Contributions.

OMB Control Number: 1210–0100.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 251.

Total Estimated Number of Responses: 251.

Total Estimated Annual Time Burden: 8 hours.

Total Estimated Annual Other Costs Burden: $1,685.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03752 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Acquisition and Sale of Trust Real Estate Investment Trust Shares by Individual Account Plans Sponsored by Trust Real Estate Investment Trusts

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' Prohibited Transaction Exemption 2004–07 permits an individual account pension plan sponsored by a real estate investment trust (REIT) that is organized as a business trust under State law (Trust REIT), or by its affiliates, to purchase, hold and sell publicly traded shares of beneficial interest in the Trust REIT. The relief also covers contributions in-kind of REIT shares. Such purchases, holdings, and sales would otherwise be prohibited under sections 406 of ERISA and 4975 of the Code. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Acquisition and Sale of Trust Real Estate Investment Trust Shares by Individual Account Plans Sponsored by Trust Real Estate Investment Trusts.

OMB Control Number: 1210–0124.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 67.

Total Estimated Number of Responses: 140,700.

Total Estimated Annual Time Burden: 7,046 hours.

Total Estimated Annual Other Costs Burden: $465,717.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03755 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Bank Collective Investment Funds; Prohibited Transaction Class Exemption 1991–38

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' Prohibited

Transaction Class Exemption (PTE) 91–38 provides an exemption from the restrictions of sections 406(a), 406(b)(2), and 407(a) of ERISA for certain transactions between a bank collective investment fund in which an employee benefit plan has invested assets and persons who are parties in interest to the employee benefit plan, as long as the plan's total participation in the collective investment fund does not exceed 10 percent of the total assets in the collective investment fund. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Bank Collective Investment Funds; Prohibited Transaction Class Exemption 1991–38.

OMB Control Number: 1210–0082.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 9,332.

Total Estimated Number of Responses: 9,332.

Total Estimated Annual Time Burden: 1,555 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03757 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Collective Investment Funds Conversion Transactions; Prohibited Transaction Class Exemption 1997–41

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-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 25, 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: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) gives the Secretary of Labor the authority to ''grant a conditional or unconditional exemption of any fiduciary or transaction, or class of fiduciaries or transactions, from all or part of the restrictions imposed by sections 406 and 407(a).'' Prohibited Transaction Class Exemption 97–41 permits an employee benefit plan to purchase shares of a registered open-end investment company (mutual fund) in exchange for plan assets transferred from a collective investment fund (CIF) maintained by a bank or plan adviser, even though the bank or plan adviser is the investment adviser for the mutual fund and also serves as a fiduciary for the plan, provided that the purchase and transfer is in connection with a complete withdrawal of the plan's investment in the CIF and certain other conditions are met. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62208).

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–EBSA.

Title of Collection: Collective Investment Funds Conversion Transactions; Prohibited Transaction Class Exemption 1997–41.

OMB Control Number: 1210–0104.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 50.

Total Estimated Number of Responses: 105.

Total Estimated Annual Time Burden: 1,760 hours.

Total Estimated Annual Other Costs Burden: $585,299.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: February 15, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–03753 Filed 2–22–22; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of an Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice includes the summaries of three petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before March 25, 2022.

ADDRESSES: You may submit your comments including the docket number of the petition by any of the following methods:

1. *Email: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *petitionsformodification@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.
3. In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2021–042–C.
Petitioner: Signal Peak Energy, LLC. 100 Portal Drive, Roundup, Montana, 59072.
Mine: Bull Mountains Mine No. 1, MINE ID No. 24–01950, located in Musselshell County, Montana.
Regulation Affected: 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).
Modification Request: The petitioner seeks modification of the existing standard to permit 995-volt trailing cable lengths up to 1,000 feet in continuous mining sections. The petitioner states that the mine runs continuous miner sections with shuttle cars, roof bolters, and a continuous miner. Distribution boxes are required to remain in compliance using maximum trailing cables lengths on development of recovery rooms. The distribution boxes must be advanced progressively and electrical connections made with each breakthrough. The petitioner's alternative method to 30 CFR 18.35 would allow for 1,000-feet trailing cables to apply to continuous miners, shuttle cars, and roof bolters. The proposed alternative method will minimize the needs for distribution boxes and electrical connections to be made and will provide no less than the same measure of protection required by section 18.35.

The petitioner states that:

(a) The maximum length for 995-volt trailing cables will be 1,000 feet. The length of 1,000 feet will apply to trailing cables for continuous miners, shuttle cars, and roof bolters.

(b) Cable Sizes:

1. The 995-volt continuous mining machine trailing cables shall not be smaller than 2/0 American Wire Gauge (AWG).
2. The 995-volt trailing cables for shuttle cars and roof bolters shall not be smaller than No.2 AWG.

(c) Circuit Breaker Protection:

1. All circuit breakers used to protect 2/0 AWG trailing cables exceeding 850 feet in length shall have instantaneous trip units calibrated to trip at 1,280 amperes and will be labeled.
2. All circuit breakers used to protect No. 2 AWG trailing cables exceeding 700 feet in length shall have instantaneous trip units calibrated at 500 amperes and will be labeled.

(d) Replacement Instantaneous Trip Units:

1. Replacement instantaneous trip units used to protect 2/0 AWG trailing cables will be calibrated to trip at 1,280 amperes. The trip setting of these circuit breakers will be sealed or locked, and will have permanent legible labels. Each label will identify the circuit breaker as being suitable for protecting 2/0 cables. The label will be maintained to be legible.
2. Replacement instantaneous trip units used to protect No. 2 AWG trailing cables will be calibrated to trip at 500 amperes. The trip setting of these circuit breakers will be sealed or locked, and will have permanent legible labels. Each label will identify the circuit breaker as being suitable for protecting No. 2 AWG cables. The label will be maintained to be legible.

(e) All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available.

(f) Trip settings will not exceed the setting specified in the approval in documentation or 70 percent of the maximum available current, whichever is less.

(g) Any trailing cable that is not in safe operating condition shall be removed from service immediately and repaired or replaced.

(h) Each splice or repair in the trailing cables shall be made in a workmanlike manner and in accordance with the instructions of the manufacturer of the splice repair kit. Splices will be made with an MSHA-approved splice wrap.

(i) Before each production shift, persons designated by the operator will visually examine the trailing cables to ensure that the cables are in safe operating condition and that the trip settings of the calibrated breakers do not have seals or locks removed and that they do not exceed the settings stipulated in paragraphs (b) and (c).

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the applicable standard.

Docket Number: M–2021–043–C.
Petitioner: Century Mining, LLC, 7004 Buckhannon Road, Volga, West Virginia, 26238.
Mine: Longview Mine, MSHA ID No. 46–09447, located in Barbour County, West Virginia.
Regulation Affected: 30 CFR 75.1904(b)(6) (Underground diesel fuel tanks and safety cans).

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1904(b)(6), to permit an alternative method of compliance to allow the use of a Brookville 25-ton diesel locomotive in a dual role as a motor/diesel fuel transportation unit. Specifically, the petitioner is requesting a modification of the existing standard as it applies to the requirement for a shut-off valve in the diesel return line from the locomotive's engine back to the fuel tank.

The petitioner states that:

(a) The Longview Mine is currently under construction. The mine's slope floor will have rail installed for diesel equipment, including Brookville locomotives, to transport personnel, equipment, and supplies. The petitioner will use a Brookville 25-ton Diesel Locomotive to fuel diesel-powered equipment (*i.e.,* forklifts) at or near the working section.

(b) The petitioner is purchasing diesel-powered permissible 650 shield hauler scoops. These scoops will be utilized to transport shields (roof supports) to and from rail-mounted cars from the longwall set-up or recovery face.

(c) Utilizing a locomotive as a diesel fuel transportation unit will eliminate the need for equipment to tram, potentially several hundred feet, to an outby fueling location.

(d) As required by West Virginia regulations, the petitioner will submit a plan to the West Virginia Office of Miners' Health Safety and Training outlining the special safety precautions that will be taken to insure the protection of miners when fueling in an escapeway using the locomotive.

The petitioner proposes the following alternative method:

(a) The petitioner will equip the diesel Brookville locomotive with a fuel tank constructed of 3/16-inch steel plates designed to serve as both the motor's fuel tank and fuel dispensing tank. The tank will be equipped with an 8 gallons per minute (gpm) pump that can only dispense 50 percent of the tank's capacity, which will ensure the motor's fuel supply cannot be completely depleted.

(b) The petitioner will shut off the locomotive's engine during the fueling process. The 8 gpm fuel dispensing pump will operate using a separate battery power source, added to supply power to the pump. The fuel dispensing hose is a 50-foot hose with a no-latch open device and a self-closing valve. There is a power supply switch at the pump's nozzle storage bracket as well as an emergency shut-off switch located above the fuel tank. The emergency switch is protected by a cover that automatically ensures that the switch is in the off position any time the cover is closed.

(c) The petitioner will post the following fueling procedures on the fuel tank:

1. Make sure the fueling sign is hung and the locomotive's engine is shut off.

2. Inspect fire extinguishers prior to beginning the fueling process.

3. Ensure that fire extinguishers are located outby the fueling point.

4. Verify fuel hose, equipment, etc. are in good condition.

5. Test for methane in the atmosphere.

6. Check for potential ignition sources and other hazards in the area.

7. Notify the mine dispatcher before starting.

8. Unlock and open the emergency shut-off switch.

9. Check for any spills after the fueling is complete.

10. Shut off the emergency switch and close locked cover.

11. Notify the mine dispatcher after completion.

(d) The petitioner shall:

1. Equip the tank with a 4-inch vent designed to open at a pressure not to exceed 2.5 pounds per square inch, as required by 30 CFR 75.1904(b).

2. Identify and mark tank openings and pressure-test the tank, fittings, and components.

3. Equip the pump dispensing line and fuel supply lines with shut-off valves as required by 30 CFR 75.1904(b)(6).

4. Equip the pump dispensing line with an anti-siphoning device as required by 30 CFR 75.1905(b)(iii).

5. Provide the pump dispensing line with a self-closing valve with no latch-open device as required by 30 CFR 75.1905(b)(3)(ii).

6. Install additional fire suppression and detection to ensure that the system protects and meets all of the requirements of 30 CFR 75.1911.

(e) Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the District Manager. The proposed revisions will include initial and refresher training regarding compliance with the terms and conditions of the PDO.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Docket Number: M–2021–044–C.

Petitioner: Mingo Logan Coal, LLC, P.O. Box E, Sharples, West Virginia 25183.

Mine: Mountaineer II Mine, MSHA ID No. 46–09029, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of 30 CFR 18.35(a)(5)(i) to increase the maximum length of trailing cables supplying power to face equipment. Specifically, the petitioner requests a modification to permit an increase in the maximum length of trailing cables supplying power to face equipment to 1,000 feet.

The petitioner states that:

(a) The mine plan requires maintenance of large pillars for roof control requirements. The larger pillars require machines to travel longer distances to the working face.

(b) The power center is currently located two crosscuts outby in the air intake entry, and the maximum cable length is 380 feet.

(c) The air intake entry is the primary escapeway.

(d) The power center partially obstructs the intake ventilation. This complicates the ventilation system because it increases the overall restriction at the section's intake dumping point. This further complicates ventilation because belt air intake is utilized throughout the mine and a strict balance between intake and belt air intake must be maintained per regulation and the approved ventilation plan.

(e) One-thousand-foot cables will allow the power center to be located in a crosscut instead of the escapeway. The cable length during normal production will be 466 feet. However, extending the maximum length to 1,000 feet, prevents the risk of cable damage and potential operator injury if a machine travels beyond the 500 feet length allowed by the standard, breaking the cable. Operators may lose track of how much cable is on the reel and overextend the distance. Extending the maximum cable lengths to 1,000 feet when mining larger pillars mitigates a potential safety hazard of a cable breaking and striking an operator.

(f) Locating the power center in a crosscut rather than in the primary escapeway improves miner safety by providing unobstructed egress from the mine during an evacuation event.

(g) Locating the power center in a crosscut will not obstruct the intake ventilation.

The petitioner proposes the following alternative method:

(a) The maximum length of the 995-volt, three-phase, alternating current trailing cables shall not exceed 1,000 feet in length and shall have a 90 degree Celsius insulation rating. The maximum length of the 600-volt, three phase, alternating current, trailing cables supplying section loading machines, roof bolters, and shuttle cars shall not exceed 1,000 feet in length and shall have a 90 degree Celsius insulation rating.

(b) The trailing cable shall not be smaller than No. 2/0 American Wire Gauge (AWG) for the continuous mining machine.

(c) The trailing cables shall not be smaller than No. 2 AWG for the section roof bolting machines and shuttle cars.

(d) All circuit breakers used to protect No. 2/0 AWG cables not to exceed 1,000 feet in length shall have instantaneous trip units set to trip at 1,500 amperes. The circuit breakers' trip settings shall be sealed and the circuit breakers shall have permanent, legible labels identifying the circuit as being suitable for protecting No. 2/0 AWG cables.

(e) Replacement circuit breakers and/or instantaneous trip units used to protect No. 2/0 AWG trailing cables shall be set to trip at 1,500 amperes and this setting shall be sealed.

(f) All circuit breakers used to protect No. 2 AWG trailing cables not to exceed 1,000 feet in length shall have instantaneous trip units set to trip at 600 amperes. The circuit breakers' trip setting shall be sealed, and the

circuit breakers shall have permanent, legible labels, identifying the circuit breakers as being set for the size of the cable.

(g) Replacement circuit breakers and/or instantaneous trip units used to protect No. 2 AWG cables shall be set to trip at 600 amperes and shall be sealed.

(h) During each production day, persons designated by the operator shall visually examine the trailing cables to ensure that the cables are in safe operating condition and that the trip settings are sealed and do not exceed the settings stipulated in this petition.

(i) Any trailing cable that is not in safe operating condition shall be removed from service immediately and repaired or replaced. In addition, if mining methods or operation procedures cause or contribute to the damage of any trailing cable, additional precautions shall be taken to ensure that the cable is protected and maintained in a safe operating condition.

(j) Each splice or repair in the trailing cable shall be made in a proper workmanlike manner and in accordance with the instructions of the manufacturer of the splice or repair kit. The outer jacket of each splice or repair shall be vulcanized with flame resistant material or made with material that has been accepted by MSHA as flame resistant under 30 CFR part 18.

(k) Permanent warning labels shall be installed and maintained on the covers of each circuit breaker and trailing cable disconnecting device indicating that the trailing cable can only be connected to a properly adjusted and sealed circuit breaker. These labels shall warn miners not to change or alter the sealed trip settings and not to connect the trailing cables to an improperly adjusted circuit breaker.

(l) The conditions of this petition shall not be implemented until all miners designated to examine the integrity of the seals, verify the trip settings, and examine trailing cables for defects have received the training outlined in this petition.

(m) Within 60 days after the proposed decision and order becomes final, the petitioner shall submit proposed revisions to its approved 30 CFR part 48 training plan to the MSHA District Manager. The proposed revisions shall specify task training for miners designated to verify that the trip settings of the circuit interrupting devices protecting the affected trailing cables do not exceed the specified settings. The training shall include the following elements:

1. The hazards of setting the circuit interrupting device too high to adequately protect the trailing cable.

2. How to verify that the circuit interrupting devices protecting the trailing cables are properly set and maintained.

3. Mining methods and operating procedures to protect the trailing cables against damage.

4. Proper procedures for examining the affected trailing cables to ensure they are in safe operating condition.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2022–03776 Filed 2–22–22; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: The Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations govern the application, processing, and disposition of petitions for modification of mandatory safety standards. Any mine operator or representative of miners may petition for an alternative method of complying with an existing safety standard. MSHA reviews the content of each submitted petition, assesses the mine in question, and ultimately issues a decision on the petition. This notice includes a list of petitions for modification that were granted after MSHA's review and investigation, between July 1, 2021 and December 31, 2021.

ADDRESSES: Copies of the final decisions are posted on MSHA's website at *https://www.msha.gov/regulations/rulemaking/petitions-modification*. The public may also inspect the petitions and final decisions in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except federal holidays. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *petitionsformodification@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, any mine operator or representative of miners may petition to use an alternative approach to comply with a mandatory safety standard. In response, the Secretary of Labor (Secretary) or his or her designee may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision. In other instances, MSHA may deny, dismiss, or revoke a petition for modification. In accordance with 30 CFR 44.5, MSHA publishes every final action granting a petition for modification.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA granted or partially granted the petitions for modification below. Since the previous **Federal Register** notice (86 FR 41519) included petitions granted through June 30, 2021, listed below are petitions granted between July 1, 2021 and December 31, 2021. The granted petitions are shown in the order that MSHA received them.

- *Docket Number:* M–2020–009–C.

FR Notice: 85 FR 47404 (8/5/2020).

Petitioner: Century Mining LLC, 200 Chapel Brook Drive, Bridgeport, West Virginia 26330.

Mine: Longview Mine, MSHA I.D. No. 46–09447, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M–2020–023–C.

FR Notice: 85 FR 66582 (10/20/2020).

Petitioner: Century Mining LLC, 200 Chapel Brook Drive, Bridgeport, West Virginia 26330.

Mine: Longview Mine, MSHA I.D. No. 46–09447, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.507–1 (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements.).

- *Docket Number:* M–2020–025–C.

FR Notice: 85 FR 66582 (10/20/2020).

Petitioner: Century Mining LLC, 200 Chapel Brook Drive, Bridgeport, West Virginia 26330.

Mine: Longview Mine, MSHA I.D. No. 46–09447, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility.)

- *Docket Number:* M–2021–002–C.

FR Notice: 86 FR 16641 (3/30/2021).

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

- *Docket Number:* M–2021–003–C.

FR Notice: 86 FR 16641 (3/30/2021).

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M–2021–004–C.

FR Notice: 86 FR 16641 (3/30/2021).

Petitioner: Blue Mountain Energy, Inc., 3607 County Road #65, Rangely, Colorado 81648.

Mine: Deserado Mine, MSHA ID No. 05–03505, located in Rio Blanco County, Colorado.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M–2021–005–C.

FR Notice: 86 FR 16644 (3/30/2021).

Petitioner: Blue Diamond Mining, LLC, 1021 Tori Drive, Hazard, Kentucky, 41701.

Mine: Calvary Mine #81, MSHA ID No. 15–12753, located in Leslie County, Kentucky.

Regulation Affected: 30 CFR 75.364 (Weekly examination). 30 CFR 75.364(b)(2) requires that at least every 7 days an examination for hazardous conditions shall be made by a certified person designated by the operator in at least one entry of each return air course, in its entirety, so that the entire air course is traveled.

- *Docket Number:* M–2021–007–C.

FR Notice: 86 FR 27898 (5/24/2021).

Petitioner: Mountain Coal Company, L.L.C., 5174 Highway 133, Somerset, Colorado, 81434.

Mine: West Elk Mine, MSHA ID No. 05–03672, located in Gunnison County, Colorado.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

- *Docket Number:* M–2021–009–C.

FR Notice: 86 FR 27898 (5/24/2021).

Petitioner: Mountain Coal Company, L.L.C., 5174 Highway 133, Somerset, Colorado, 81434.

Mine: West Elk Mine, MSHA ID No. 05–03672, located in Gunnison County, Colorado.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

- *Docket Number:* M–2021–004–M.

FR Notice: 86 FR 38360 (7/20/2021).

Petitioner: Genesis Alkali, LLC, 580 Westvaco Rd., Green River, Wyoming, 82935.

Mine: Genesis Alkali @WESTVACO, MSHA ID No. 48–00152, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

- *Docket Number:* M–2021–026–C.

FR Notice: 86 FR 46018 (8/17/21).

Petitioner: Marion County Coal Resources, Inc., 151 Johnnycake Road, Metz, West Virginia (Zip 26585).

Mine: Marion County Mine, MSHA ID No. 46–01433, located in Marion County, West Virginia.

Regulation Affected: 30 CFR 75–1700 (Oil and gas wells).

Song-ae Aromie Noe,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2022–03767 Filed 2–22–22; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: [22–013]]

Requirement for NASA Recipients of Financial Assistance Awards To Obtain a Quotation From Small and/or Minority Businesses, Women's Business Enterprises and Labor Surplus Area Firms

AGENCY: National Aeronautics and Space Administration.

ACTION: Request for public comment on new term and condition that requires recipients of NASA financial assistance to obtain a quotation from small and/or minority businesses, women's business enterprises or labor surplus area firms.

SUMMARY: The Grants Policy and Compliance Branch (GPC) in the National Aeronautics and Space Administration's (NASA) Office of the Chief Financial Officer is soliciting public comment on the Agency's proposed implementation of a new term and condition that requires recipients of NASA financial assistance to obtain a quotation from small and/or minority businesses, women's business enterprises or labor surplus area firms when the acquisition of goods or services exceeds the simplified acquisition threshold. In response to the Executive Order regarding Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, NASA has been working to identify and address barriers that underserved communities and individuals may face in taking advantage of procurement, contracting, or grant opportunities. To address these barriers, NASA has taken a few actions including proposing the term and condition described above. NASA is taking this action to ensure that entities funded by NASA are compliant with the procurement standards in the uniform guidance. NASA's expectation is that this action will result in an increase in contracting opportunities for small and/or minority businesses, women's business enterprises and labor surplus area firms that contract with NASA financial assistance recipients.

DATES: Comments must be received by March 25, 2022.

ADDRESSES: Comments should be addressed to National Aeronautics and Space Administration Headquarters, 300 E Street SW, Rm. 6087, Washington, DC 20546 or sent through *www.regulations.gov;* Phone Number: 202–358–2180, FAX Number: 202–358–3336. We encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date. Please include ''Requirement to obtain a quotation from small and/or minority businesses, women's business enterprises or labor surplus area firms'' in the subject line of the email message. Please also include the full body of your comments in the text of the message and as an attachment. Include your name, title, organization, postal address, telephone number, and email address in your message.

FOR FURTHER INFORMATION CONTACT: Christiane S. Diallo, email: *Christiane.diallo@nasa.gov,* telephone (202) 358–5179.

SUPPLEMENTARY INFORMATION: On January 25, 2021, President Biden issued E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal

Government, outlining a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Given that advancing equity requires a systematic approach to embedding fairness in the decision-making process, the E.O. instructs agencies to recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.

In response to E.O. 13985, NASA has been working to identify and address barriers that underserved communities and individuals may face in taking advantage of procurement, contracting, or grant opportunities. Through focused engagement with stakeholders and comments received from 86 FR 31735, June 15, 2021, Request for Information on Advancing Racial Equity and Support for Underserved Communities in NASA Programs, Contracts and Grants Process, NASA has learned that access to information and a lack of resources and opportunities are just some of the barriers faced by underserved communities. As such, GPC has reviewed NASA's grants management policies and procedures and has identified a few actions that can be taken to reduce these barriers, including a proposed implementation of a new term and condition that requires recipients of NASA financial assistance to obtain a quotation from small and/or minority businesses, women's business enterprises or labor surplus area firms when the acquisition of goods or services exceeds the simplified acquisition threshold.

The full text of the new term and condition is provided below:

Requirement To Obtain a Quotation From Small and/or Minority Businesses, Women's Business Enterprises or Labor Surplus Area Firms

Pursuant to the requirements in 2 CFR 200.321, Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms, grant and cooperative agreement recipients shall, to the extent practicable, obtain at least one quotation in response to a recipient-issued Request for Quotation (RFQ) from a small and/or minority business, women's business enterprise or labor surplus area firms when the acquisition of goods or services exceeds the simplified acquisition threshold (SAT) as defined in the Federal Acquisition Regulation (FAR) part 2.101, Definitions (currently the SAT is $250,000). In the event that recipients are unable to obtain at least one quote from a small and/or minority businesswomen's business enterprise or labor surplus area firm, a written justification indicating why this was not possible must be maintained in the recipient's records.

End of Proposed Term and Condition

Implementation

Upon receipt and resolution of all comments, it is NASA's intention to implement the new term through a revision to the NASA Grant and Cooperative Agreement Manual (GCAM). These revised terms and conditions will become effective thirty days from the final notice publication date in the **Federal Register** and will be available in the GCAM.

The new term and condition will be applied to all new NASA awards and funding amendments to existing awards made on or after the effective date.

Cheryl Parker,

Federal Register Liaison Officer.

[FR Doc. 2022–03602 Filed 2–22–22; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of February 21, 28, March 7, 14, 21, 28, 2022.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of February 21, 2022

Thursday, February 24, 2022

9:55 a.m. Affirmation Session (Public Meeting) (Tentative)

(a) Florida Power & Light Company (Turkey Point Nuclear Generating Units 3 and 4), Intervenors' Petitions for Review of LBP–19–3, LBP–19–6, and LBP–19–8 (Tentative)

(b) Exelon Generating Company, LLC (Peach Bottom Atomic Power Station, Units 2 and 3), Beyond Nuclear's Motions to Submit a New Contention and Reopen the Record (Tentative) (Contact: Wesley Held: 301–287–3591)

Additional Information: The public is invited to attend the Commission's meeting live by webcast at the web address—*https://video.nrc.gov/.*

10:00 a.m. Briefing on Regulatory Research Program Activities (Public Meeting) (Contact: Nick Difrancesco: 301–415–1115)

Additional Information: The public is invited to attend the Commission's meeting live by webcast at the web address—*https://video.nrc.gov/.*

Week of February 28, 2022—Tentative

There are no meetings scheduled for the week of February 28, 2022.

Week of March 7, 2022—Tentative

There are no meetings scheduled for the week of March 7, 2022.

Week of March 14, 2022—Tentative

There are no meetings scheduled for the week of March 14, 2022.

Week of March 21, 2022—Tentative

There are no meetings scheduled for the week of March 21, 2022.

Week of March 28, 2022—Tentative

There are no meetings scheduled for the week of March 28, 2022.

Additional Information: The Affirmation Session (Public Meeting) Hearing Requests in Exelon Multiple Indirect License Transfers scheduled on Monday, February 14, 2022 at 11:30 a.m. was rescheduled due to technical difficulties and held on February 14, 2022 at 1:45 p.m.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: February 17, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–03854 Filed 2–18–22; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1374; NRC–2022–0032]

Idaho State University

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has received, a revised application from Idaho State University (ISU or the licensee) to renew Special Nuclear Materials (SNM) License No. SNM–1373. The renewed license would authorize the applicant to continue to use SNM in greater than critical mass quantities for education, research, and training programs at its campus in Pocatello, Idaho. This license renewal, if approved, would authorize ISU to continue to possess and use SNM under NRC regulations for 10 years beyond its current license.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 25, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0032 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–2022–0032. 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: Osiris Siurano-Pérez, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–7827, email: *Osiris.Siurano-Perez@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

On July 9, 2021, the licensee submitted the initial renewal application for SNM–1373 (ADAMS Package Accession No. ML21190A251). In a letter dated September 9, 2021 (ADAMS Accession No. ML21246A165), the NRC staff informed ISU that additional information was needed to complete its technical review and provided ISU the opportunity to supplement the application within 60 days. On September 15, 2021, the NRC staff extended the supplement submission date to December 8, 2021 (ADAMS Accession No. ML21259A202), at the request of ISU (ADAMS Accession No. ML21259A200).

The NRC has received, by letter dated December 6, 2021 (ADAMS Package Accession No. ML21351A166), a revised application from ISU to renew SNM–1373, which authorizes ISU to use SNM for education, research, and training programs in senior- and graduate-level laboratory courses. The license renewal would allow ISU to continue licensed activities for 10 years. Paragraph 70.38 (a) of title 10 of the *Code of Federal Regulations* (10 CFR), states that a specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under 10 CFR 70.33 not less than 30 days before the expiration date stated in the existing license. The term of ISU's current license expired on August 11, 2021; however, the application for renewal was made at least 30 days prior to the expiration, and thus, the current license is still in effect. The licensee is authorized to use SNM under 10 CFR part 70.

An NRC administrative completeness review of the revised application dated January 20, 2022 (ADAMS Accession No. ML22018A285), found the application acceptable for a technical review. During the technical review, the NRC will be reviewing the application in areas that include, but are not limited to, radiation safety, nuclear criticality safety, chemical safety, fire safety, security, environmental protection, decommissioning, decommissioning financial assurance, and material control/accountability. Prior to approving the request to renew SNM–1373, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the renewal of the special nuclear materials license. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed within 60 days, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h), no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Dated: February 16, 2022.

For the Nuclear Regulatory Commission.

Jacob I. Zimmerman,

Chief, Fuel Facility Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–03792 Filed 2–22–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0037]

Design-Basis Floods for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG–1290, ''Design Basis Floods for Nuclear Power Plants.'' This DG is proposed Revision 3 of Regulatory Guide (RG) 1.59. DG–1290 proposes methods that the NRC staff considers acceptable for use in the determination of design-basis floods for nuclear power plants (NPPs).

DATES: Submit comments by April 11, 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:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0037. 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 individuals 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: Joseph Kanney, telephone: 301–415–1920, email: *Joseph.Kanney@nrc.gov* and, Edward O'Donnell, telephone: 301–415–3317, email: *Edward.O'Donnell@nrc.gov.* Both are staff members of the Office of Nuclear Regulatory Research, at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0037 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–2022–0037.

• *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.* DG–1290, ''Design-Basis Floods for Nuclear Power Plants'' is available in ADAMS under Accession No. ML19289E561.

• *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0037 in your comment submission.

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. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

The DG, entitled, ''Design-Basis Floods for Nuclear Power Plants'' is proposed Revision 3 of RG 1.59, which is temporarily identified by its task number, DG–1290. It proposes methods that the NRC staff considers acceptable for use in the determination of design-basis floods for NPPs.

The staff is also issuing for public comment a draft regulatory analysis for revision of RG 1.59 (ML12121A020). The staff developed a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–1290, if finalized, would not constitute backfitting as that term is defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in DG–1290, applicants and licensees are not required to comply with the positions set forth in DG–1290.

IV. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html.* Suggestions will be considered in future updates and enhancements to the ''Regulatory Guide'' series.

Dated: February 16, 2022.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2022–03791 Filed 2–22–22; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 24, 2022.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or

more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b.)

Dated: February 17, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–03859 Filed 2–18–22; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94270; File No. SR–OCC–2021–803]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection to Advance Notice Concerning The Options Clearing Corporation's Cash and Investment Management

February 17, 2022.

I. Introduction

On December 23, 2021, the Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2021–803 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled Payment, Clearing and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'') [3] to (i) adopt OCC's policy regarding cash and related investments to its rules, and (ii) amend OCC's Rules governing the use of Clearing Fund contributions to ensure access in the event of the failure of an investment counterparty with whom OCC has invested cash collateral.[4] The Advance Notice was published for public comment in the **Federal Register** on January 12, 2022,[5] and the Commission has received no comments regarding the substance of the changes proposed in the Advance Notice.[6] The Commission is hereby providing notice of no objection to the Advance Notice.

II. Background [7]

OCC is proposing to adopt a policy governing OCC's cash and investment practices (the ''Cash and Investment Management Policy'' or ''Policy'') and amend its rules regarding access to Clearing Fund contributions to address the failure of an investment counterparty to return Clearing Member cash collateral, which would also allow OCC to use such collateral to access its revolving credit facility.

A. Policy Regarding Cash and Related Investments

OCC's current rules include provisions governing the management and investment of OCC's own funds and cash deposited by Clearing Members. Pursuant to its rules, OCC's Board of Directors (''Board'') may invest funds in excess of the amount needed as working capital in Government securities or such other securities or financial instruments.[8] Further, OCC's Rules allow for the investment of cash deposited in respect of a Clearing Member's margin requirements or Clearing Fund contributions by OCC for its account in Government securities.[9] OCC proposes to add its Cash and Investment Management Policy to its current investment related rules.[10]

The proposed Cash and Investment Management Policy (i) outlines the safeguarding standards for cash and related investments managed by OCC to minimize credit and liquidity risk, and (2) provides guidelines for investments permitted by OCC's rules as described above. With regard to safeguarding cash, the Policy would allow OCC to hold OCC Cash [11] and Clearing Member Cash [12] in demand deposit accounts with commercial banks or in accounts at a Federal Reserve Bank. Consistent with OCC's current rules, the Policy would require OCC to move all margin and Clearing Fund cash related to a suspended Clearing Member into a liquidating settlement account for use in meeting the obligations of the Clearing Member.[13] The Policy would also require that OCC employ a bank account structure that segregates customer funds per applicable regulatory

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78a *et seq.*

[4] *See* Notice of Filing *infra* note 5, at 87 FR 1814.

[5] Securities Exchange Act Release No. 93915 (Jan. 6, 2022), 87 FR1814 (Jan. 12, 2022) (File No. SR–OCC–2021–803) (''Notice of Filing''). On December 23, 2021, OCC also filed a related proposed rule change (SR–OCC–2021–014) with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. In the Proposed Rule Change, which was published in the **Federal Register** on January 12, 2022, OCC seeks approval of proposed changes to its rules necessary to implement the Advance Notice. Securities Exchange Act Release No. 93916 (Jan. 6, 2022), 87 FR 1819 (Jan. 12, 2022) (File No. SR–OCC–2021–014). The comment period for the related Proposed Rule Change filing closed on February 2, 2022.

[6] A comment letter addressed market conduct generally; however, additional discussion is unnecessary because the substance of the letter does not bear on the basis for the Commission's decision not to object to the proposal. Comments on the Advance Notice are available at *https://www.sec.gov/comments/sr-occ-2021-803/srocc2021803.htm.* Since the proposal contained in the Advance Notice was also filed as a proposed rule change, all public comments received on the proposal are considered regardless of whether the comments are submitted on the Proposed Rule Change or the Advance Notice.

[7] Capitalized terms used but not defined herein have the meanings specified in OCC's Rules and By-Laws, available at *https://www.theocc.com/about/publications/bylaws.jsp.*

[8] *See* By-Law Art. IX, Sec. 1.

[9] *See* OCC Rule 604(a); Rule 1006(c).

[10] *See* Notice of Filing, 87 FRat 1815.

[11] Under the proposed Policy, OCC Cash would include working capital related to future operating costs, inclusive of financial resources held to meet liquidity and resiliency requirements, proceeds from lines of credit, if any, maintained to support OCC's working capital, and investments made with OCC Cash. OCC Cash would also include OCC's Minimum Corporate Contribution. *See* Securities Exchange Act Release No. 92038 (May 27, 2021), 86 FR 29861 (Jun. 3, 2021) (File No. SR–OCC–2021–003) (establishing a persistent minimum level of OCC's own capital that it would contribute to default losses or liquidity shortfalls prior to allocating a default loss to the Clearing Fund contributions of non-defaulting Clearing Members). OCC Cash would not include cash held in respect of OCC's pension plan, post-retirement welfare plan, or other deferred compensation plans.

[12] Under the proposed Policy, Clearing Member Cash would include cash collateral deposited as margin or Clearing Fund contributions, cash held in liquidating settlement accounts for suspended Clearing Members pursuant to OCC's Rule 1104, and investments made with Clearing Member Cash. Clearing Member Cash would also include proceeds from OCC's syndicated credit facility and liquidity facilities. *See* Securities Exchange Act Release No. 88971 (May 28, 2020), 85 FR 34257 (Jun. 3, 2020) (File No. SR–OCC–2020–804) (discussing OCC's revolving credit facility); Securities Exchange Act Release No. 89039 (Jun. 10, 2020), 85 FR 36444 (Jun. 16, 2020) (File No. SR–OCC–2020–803) (discussing OCC's non-bank liquidity facility).

[13] *See* OCC Rule 1104.

requirements [14] and OCC's By-Laws and Rules.[15]

With regard to investments, the Policy would provide that OCC's investment strategy is to preserve principal and maintain adequate liquidity. OCC outlines its specific investment in internal procedures, but will publish its investment strategy in its Qualitative Disclosures posted to OCC's public website.[16] Under the proposed Policy, OCC will invest only with counterparties that meet the financial and operational standards outlined in OCC's procedures concerning its banking relationships.[17]

The Policy would affirm OCC's current practice of not investing Clearing Fund cash, which is instead maintained in accounts at a Federal Reserve Bank or a commercial bank. The Policy would also limit the investment of margin cash to instruments that provide liquidity to OCC by the following business day. In contrast, the Policy would not limit the investment of OCC cash in excess of 110 percent of its Target Capital Requirement [18] to overnight transactions. Further, the Policy would require procedures to ensure that end-of-day margin cash balances remain above the aggregate level of any Required Cash Deposits to support OCC's management of liquidity risk.[19] Under the Policy, interest or gain received on investments will belong to OCC except as otherwise provided for in OCC's rules.[20]

B. Access to Clearing Fund Contributions

OCC's current Rules define the conditions under which OCC may use Clearing Fund assets to make good losses or expenses suffered by OCC or by the Clearing Fund with regard to borrowings made by OCC.[21] OCC's rules also define the conditions under which OCC may borrow Clearing Fund assets.[22] OCC's Rules address OCC's authority to access Clearing Fund assets related to the failure of a bank or clearing organization to perform its obligations to OCC, but not the failure of an investment counterparty. OCC proposes a series of changes to its Rules, described below, to broaden OCC's authority to access Clearing Fund assets to address the potential failure of an investment counterparty to meet its obligations to OCC. Such changes would also align with modifications to OCC's revolving credit facility.[23]

OCC proposes to amend its Rules 1006(a) and (c) to add ''investment counterparty'' to the list of counterparties whose failure to perform any obligation to OCC when due because of its bankruptcy, insolvency, receivership, suspension of operations, or any similar event that causes OCC to sustain a loss. OCC also proposes to amend its Rule 1006(f) to authorize OCC to take possession of cash or securities deposited by Clearing Members as contributions to the Clearing Fund and securities in which OCC has invested Clearing Fund cash contributions if OCC reasonably believes it necessary to borrow to meet its liquidity needs for same day settlement as a result of the failure of an investment counterparty. The proposed changes to Rules 1006(a), (c), and (f) would limit access, however, to failures with respect to cash invested under OCC's Rules 604(a) and 1002(c), which deal with margin cash and Clearing Fund cash contributions, respectively.

OCC is also proposing to restate and reorganize Rule 1006(f), which currently consists of a single paragraph, into four subparagraphs with the following headings: (1) Conditions; (2) Uses; (3) Term; Clearing Fund Charge; and (4) Substitution Requests. To eliminate a potential inconsistency with Rule 1006(c), OCC would revise the condition triggering OCC's access to the Clearing Fund from failure ''to achieve daily settlement'' to failure ''to perform any obligation to the Corporation when due.'' The proposed changes to 1006(f) also include the removal of a gendered pronoun and other administrative changes.

III. Discussion and Notice of No Objection

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for SIFMUs and strengthening the liquidity of SIFMUs.[24]

Section 805(a)(2) of the Clearing Supervision Act authorizes the Commission to prescribe regulations containing risk management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency.[25] Section 805(b) of the Clearing Supervision Act provides the following objectives and principles for the Commission's risk management standards prescribed under Section 805(a): [26]

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk management standards may address such areas as risk management and default policies and procedures, among other areas.[27]

The Commission has adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act and Section 17A of the Exchange Act (the ''Clearing Agency Rules'').[28] The Clearing Agency Rules require,

[14] *See* 17 CFR 39.15 (requiring a derivatives clearing organization to comply with the segregation requirements section 4d of the Commodity Exchange Act).

[15] *See* OCC By-Laws Art. VI, Sec. 3(f) (providing for maintenance of segregated futures accounts).

[16] OCC's Qualitative Disclosures are available at *https://www.theocc.com/Risk-Management/PFMI-Disclosures.*

[17] Additionally, OCC's Third-Party Risk Management Framework describes the basis for evaluating financial institutions based on financial resources and operational capacity, such as whether a relationship is structured to allow prompt access to assets and whether a custodian is a supervised and regulated institution that adheres to generally accepted accounting practices, maintains safekeeping procedures, and has controls that fully protect these assets. *See* Securities Exchange Act Release No. 90797 (Dec. 23, 2021), 85 FR 86592, 86593 (Dec. 30, 2021) (File No. SR–OCC–2020–014).

[18] OCC's Target Capital Requirement is the amount of shareholders' equity recommended by OCC management and approved by the Board to ensure compliance under both the Commission and Commodity Futures Trading Commission rules and to keep such additional amount the Board may approve for capital expenditures. *See* OCC Rule 101(T)(1).

[19] Under its Liquidity Risk Management Framework, OCC may require a Clearing Member Group to post cash collateral to supplement OCC's Available Liquidity Resources when stressed liquidity demands for that Clearing Member Group are above established thresholds or until the settlement demand is met. *See* Exchange Act Release No. 89014 (Jun. 4, 2020), 85 FR 35446, 35449 (Jun. 10, 2020) (File No. SR–OCC–2020–003).

[20] *See e.g.,* Securities Exchange Act Release No. 82502 (Jan. 12, 2018), 82 FR 2825, 2826 (Jan. 19, 2018) (File No. SR–OCC–2017–009) (stating that OCC would pass interest income earned on Clearing Fund cash deposited at a Federal Reserve Bank through to its Clearing Members).

[21] *See* OCC Rule 1006(a) and (c).

[22] *See* OCC Rule 1006(f).

[23] *See* Notice of Filing, 87 Fed. Reg at1817. In anticipation of the proposed changes, OCC modified the permitted uses set forth in the credit agreement, implemented on June 21, 2021, to align with the proposed changes to OCC Rule 1006. *Id.* OCC provided a summary of the terms and conditions for the 2021 credit agreement in a confidential Exhibit 3 to the Advance Notice. *Id.*

[24] *See* 12 U.S.C. 5461(b).

[25] 12 U.S.C. 5464(a)(2).

[26] 12 U.S.C. 5464(b).

[27] 12 U.S.C. 5464(c).

[28] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (Oct. 22, 2012), 77 FR 66220 (Nov. 2, 2012) (S7–08–11). *See also* Covered Clearing Agency Standards, 81 FR 70786. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for its operations and risk management practices on an ongoing basis.[29] As such, it is appropriate for the Commission to review advance notices against the Clearing Agency Rules and the objectives and principles of these risk management standards as described in Section 805(b) of the Clearing Supervision Act. As discussed below, the Commission believes the changes proposed in the Advance Notice are consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[30] and in the Clearing Agency Rules, in particular Rules 17Ad–22(e)(13) and (16).[31]

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management, promoting safety and soundness, reducing systemic risks, and supporting the stability of the broader financial system.[32]

The Commission believes that the addition of the Cash and Investment Management Policy to OCC's rules is consistent with the promotion of robust risk management. As described above, the Policy would build on OCC's current rules for managing cash and investments. The Policy includes standards for safeguarding OCC Cash and Clearing Fund Cash through the application of OCC's counterparty standards. Further, the Policy includes limitations on the tenure of investments to support OCC's liquidity risk management practices. The Commission believes that adding the Policy to OCC's rules will support OCC's management of risk with regard to the safeguarding of funds and investments.

The Commission also believes that the proposed changes to broaden OCC's authority to access Clearing Fund contributions are consistent with the promotion of safety and soundness. Ensuring that OCC has the authority to access Clearing Fund contributions to contain losses and shortfalls would reduce the likelihood that OCC would have insufficient financial resources to address such losses and shortfalls, which in turn would enhance the safety and soundness of OCC. Further, the Commission believes that, to the extent the proposed changes are consistent with promoting OCC's safety and soundness, they are also consistent with supporting the stability of the broader financial system. OCC has been designated as a SIFMU, in part, because its failure or disruption could increase the risk of significant liquidity or credit problems spreading among financial institutions or markets.[33] As noted above, the Commission believes that the proposed changes would support OCC's ability to continue providing services to the options markets by addressing losses and shortfalls arising out of the default of a Clearing Member. OCC's continued operations would, in turn, help support the stability of the financial system by reducing the risk of significant liquidity or credit problems spreading among market participants that rely on OCC's central role in the options market.

Accordingly, and for the reasons stated above, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Clearing Supervision Act.[34]

B. Consistency With Rule 17Ad–22(e)(13) Under the Exchange Act

Rule 17Ad–22(e)(13) under the Exchange Act requires, among other things, that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure the covered clearing agency has the authority to take timely action to contain losses and liquidity demands and continue to meet its obligations.[35]

As the Commission has observed previously, OCC relies on the resources in its Clearing Fund to manage the potential losses arising out of the default of a Clearing Member under extreme but plausible market conditions.[36] Similarly, OCC relies on such resources to manage potential liquidity shortfalls arising out of the default of a Clearing Member under extreme but plausible market conditions.[37] In the event of a Clearing Member default, OCC's inability to access the defaulter's cash collateral due to the failure of an investment counterparty could inhibit OCC's ability to contain losses and liquidity demands unless it has access to the Clearing Fund contributions of non-defaulting Clearing Members. Further, the Commission believes that the proposed changes to restate and reorganize Rule 1006(f) would provide clarity to such authority. As described above, the proposed changes would increase OCC's authority to access Clearing Fund contributions to address losses or shortfalls arising out of the failure of an investment counterparty to perform with regard to investments of margin cash or Clearing Fund cash and such changes would align with the terms of OCC's revolving credit agreement.

The Commission believes, therefore, that the proposed changes to broaden OCC's authority to access to Clearing Fund contributions are consistent with Rule 17Ad–22(e)(13) under the Exchange Act.[38]

C. Consistency With Rule 17Ad–22(e)(16) Under the Exchange Act

Rule 17Ad–22(e)(16) under the Exchange Act requires that a covered clearing agency establish, implement, maintain, and enforce written policies and procedures reasonably designed to safeguard its own and its participants' assets, minimize the risk of loss and delay in access to these assets, and invest such assets in instruments with minimal credit, market and liquidity risks.[39] In adopting Rule 17Ad–22(e)(16), the Commission provided guidance for consideration by covered clearing agencies.[40] Such guidance included the consideration of whether a covered clearing agency's investment strategy is consistent with its overall risk management strategy and fully disclosed to participants.[41]

The Commission believes that the proposed Cash and Investment Management Policy would support and enhance OCC's current rules regarding the investment of its and its participants' cash assets. As described above, the Policy outlines safeguarding standards, such as allowing OCC Cash and Clearing Member Cash to be

[29] 17 CFR 240.17Ad–22.

[30] 12 U.S.C. 5464(b).

[31] 17 CFR 240.17Ad–22(e)(13) and 17 CFR 240.17Ad–22(e)(16).

[32] 12 U.S.C. 5464(b).

[33] *See* Financial Stability Oversight Council (''FSOC'') 2012 Annual Report, Appendix A, *https://home.treasury.gov/system/files/261/here.pdf* (last visited Feb. 17, 2022).

[34] 12 U.S.C. 5464(b).

[35] 17 CFR 240.17Ad–22(e)(13).

[36] *See* Securities Exchange Act Release No. 87717 (Dec. 11, 2019), 84 FR 68985, 68987 (Dec. 17, 2019) (File No. SR–OCC–2019–009).

[37] *See* Securities Exchange Act Release No. 89014 (Jun. 4, 2020), 85 FR 35446, 35450 (Jun. 10, 2020) (File No. SR–OCC–2020–003) (stating that cash contributions to the Clearing fund serve as an important source of liquidity and that non-cash contributions provide a source of collateral necessary for OCC to access sources of liquidity).

[38] 17 CFR 240.17Ad–22(e)(13).

[39] 17 CFR 240.17Ad–22(e)(16).

[40] Covered Clearing Agency Standards, 81 FR at 70837.

[41] *Id.*

deposited only in a Federal Reserve Bank or in demand deposit accounts with institutions that meet the standards set out in OCC's current risk management strategy (*e.g.,* OCC's Third Party Risk Management Framework) to minimize the risk of loss or delay in access to such funds. The Commission believes further that limiting the investment of cash to Government Securities, and specifically limiting the investment of Clearing Member Cash to instruments that provide liquidity to OCC by the following business day, is consistent with investing in assets with minimal credit, market and liquidity risks.[42]

The Commission believes, therefore, that the addition of the Cash and Investment Management Policy to OCC's rules is consistent with Rule 17Ad–22(e)(16) under the Exchange Act.[43]

IV. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act, that the Commission *does not object* to Advance Notice (SR–OCC–2021–803) and that OCC is *authorized* to implement the proposed change as of the date of this notice or the date of an order by the Commission approving proposed rule change SR–OCC–2021–014, whichever is later.

By the Commission.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03824 Filed 2–22–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94265; File No. SR–NASDAQ–2022–015]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Exempt Non-Convertible Bonds Listed Under Rule 5702 From Certain Corporate Governance Requirements

February 16, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to exempt non-convertible bonds listed under Rule 5702 from certain corporate governance requirements. The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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

In November 2018, the Commission approved amendments to the Exchange's rules that permit the Exchange to list and trade non-convertible corporate debt securities (referred to herein as ''bonds'' or ''non-convertible bonds'') on the Nasdaq Bond Exchange.[3] Under the Exchange's listing rules then adopted, a non-convertible bond was eligible for initial listing on the Exchange only if it had a principal amount outstanding or market value of at least $5 million and its issuer had at least one class of an equity security listed on Nasdaq, the New York Stock Exchange (''NYSE''), or NYSE American.[4] In February 2020, Nasdaq amended Listing Rule 5702 to allow the listing of non-convertible bonds issued by certain companies not listed on Nasdaq, NYSE American or NYSE (the ''2020 Filing'').[5]

In 2018, Nasdaq stated its plan to seek exemptions to certain requirements of the Nasdaq Rule 5600 Series, including requirements relating to Review of Related Party Transactions (Rule 5630), Shareholder Approval (Rule 5635), and Voting Rights (Rule 5640),[6] but later indicated that it would not pursue those exemptions because, at the time, the equity of the issuers listing non-convertible bonds under Rule 5702 was required to be listed on Nasdaq, NYSE American or NYSE and therefore were subject to those Rules or substantially similar rules of NYSE American or the NYSE.[7]

Given the change made in the 2020 Filing to allow the listing of non-convertible bonds by issuers that are not otherwise listed on a national securities exchange, Nasdaq now proposes to exempt non-convertible bonds from the requirements relating to Review of Related Party Transactions (Rule 5630), Shareholder Approval (Rule 5635), and Voting Rights (Rule 5640).[8]

[42] The Policy would allow OCC to invest its own cash in longer-tenured instruments only where such cash is in excess of 110 percent of OCC's Target Capital Requirement.

[43] 17 CFR 240.17Ad–22(e)(16).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 84575 (November 13, 2018), 83 FR 58309 (November 19, 2018) (approving SR–NASDAQ–2018–070, as modified by Amendment Nos. 1–3) (''Approval Order'').

[4] Rule 5702(a).

[5] Specifically, the 2020 Filing expanded the categories of non-convertible bonds eligible to be listed under Rule 5702 to include non-convertible bonds of affiliates of a listed company where: A listed company directly or indirectly owns a majority interest in, or is under common control with, the issuer of the non- convertible bond; or a listed company has guaranteed the non-convertible bond. In addition, for un-affiliated companies, the 2020 Filing allowed listing of non-convertible bonds where a nationally recognized securities rating organization (an ''NRSRO'') has assigned a current rating to the non-convertible bond that is no lower than an S&P Corporation ''B'' rating or equivalent rating by another NRSRO; or if no NRSRO has assigned a rating to the issue, an NRSRO has currently assigned (i) an investment grade rating to an immediately senior issue of the same company, or (ii) a rating that is no lower than an S&P Corporation ''B'' rating, or an equivalent rating by another NRSRO, to a pari passu or junior issue of the same company.

[6] *See* Securities Exchange Act Release No. 84001 (August 30, 2018), 83 83 FR 45289 (September 6, 2018).

[7] *See* Securities and Exchange Act Release No. 86072 (June 10, 2019), 84 FR 27816 (June 14, 2020).

[8] To increase the clarity of the rule, Nasdaq proposes to include in the proposed Listing Rule 5702(d) other exemptions applicable to an issuer of a non-convertible bond, as provided by Listing Rule 5615(a)(6)(A), which states, in the relevant parts, that issuers ''whose only securities listed on Nasdaq are . . . debt securities . . . are exempt from the requirements relating to Independent Directors (as set forth in Rule 5605(b)), Compensation Committees (as set forth in Rule 5605(d)), Director Nominations (as set forth in Rule 5605(e)), Codes of Conduct (as set forth in Rule 5610), and Meetings of Shareholders (as set forth in Rule 5620(a)). In addition, these issuers are exempt from the requirements relating to Audit Committees (as set forth in Rule 5605(c)), except for the applicable requirements of SEC Rule 10A–3. Notwithstanding,

Continued

Nasdaq believes that it is appropriate to exempt non-convertible bonds satisfying the requirements of Listing Rule 5702, which are the same as the requirements for listing debt on NYSE American,[9] from the requirements relating to Review of Related Party Transactions (Rule 5630), Shareholder Approval (Rule 5635), and Voting Rights (Rule 5640). Nasdaq believes that listing requirements for non-convertible bonds are designed so that only companies capable of meeting their financial obligations are eligible to have their non-convertible bonds listed on Nasdaq. To issue a bond, the issuer hires a third-party trustee, typically a bank or trust company, to represent buyers of the bond. The agreement entered into by the issuer and the trustee is referred to as the trust indenture, which is a binding contract that is created to protect the interests of bondholders. Accordingly, holders of non-convertible bonds do not expect to have governance rights the way that equity investors may. The issuance of equity and assignment of voting rights does not affect these creditors because their interests are protected contractually, as indicated above. Accordingly, bondholders are focused on the ability of the issuer to meet their financial obligations and the listing rules already have standards in that regard. For this reason, non-convertible bonds are already exempt from many of the governance requirements.[10]

Nasdaq believes that it does not need to impose the requirements of the Rules in connection with listing of non-convertible bonds on issuers that have a class of equity listed on Nasdaq, NYSE or NYSE American because these issuers either have equity securities listed on Nasdaq, which makes them subject to the requirements of the Rules, or NYSE or NYSE American, which makes them subject to substantially similar requirements of such exchanges. In cases where listed issuers raise debt through entities they directly or indirectly own a majority interest in, or entities with which they are under common control, Nasdaq believes it is appropriate to exempt these issuers from the requirements of the Rules and rely on the company's listing on Nasdaq, NYSE American or NYSE as evidence that the issuer of the non-convertible bond is capable of meeting its financial obligations because the issuer is a subsidiary or affiliate of the listed company.

Similarly, in other cases, where the issuer of the non-convertible bond is not a subsidiary or affiliate of a listed company, a listed company may nonetheless guarantee the debt and in these cases the guarantee by the listed company serves to ensure that if the company cannot, then its guarantor is capable of meeting the financial obligations of the non-convertible bond, particularly, because that debt is a senior security to the listed equity.

Nasdaq also believes that there are other indications that the issuer of a non-convertible bond is capable of meeting its financial obligations, besides the ties to a listed company described above. Specifically, in the case of these un-affiliated issuers, Nasdaq believes that it is appropriate to exempt from the requirements of the Rules issuers of listed bonds with a current rating from an NRSRO that is no lower than an S&P Corporation ''B'' rating or equivalent rating by another NRSRO because this is another third-party evaluation of the issuers ability to make interest payments and repay the loan upon maturity. Similarly, if a more junior issue of the same company, or an issue of the same company at the same priority in liquidation (a ''pari passu issue'') has a rating no lower than an S&P Corporation ''B'' rating or an equivalent rating by another NRSRO, than it is appropriate to presume that the company will also be capable of meeting its obligations on the non-convertible bonds to be exempt from the requirements of the Rules because those bonds would be repaid in the same priority (if a pari passu issue) or sooner (if the other issue is more junior) as the ''B'' rated issue. Finally, if no NRSRO has assigned a rating to the issue to be listed, Nasdaq believes it is appropriate to consider the rating assigned to the next most senior issue of the same company. If that rating is an investment grade rating, which is higher than the ''B'' rating standard just described, then that also provides assurance that the company will be capable of meeting its financial obligations on the non-convertible bond.[11] In assigning ratings, an NRSRO considers the ability of the issuer to make timely payments of interest and ultimate payment of principal to the related securities.[12]

Nasdaq notes that it performs real-time surveillance of the bonds for the purpose of maintaining a fair and orderly market at all times.[13] An issuer listing non-convertible bonds will continue to be subject to the existing continued listing requirement of Listing Rule 5702(b)(2) that it must be able to meet its obligations on the listed non-convertible bonds. These issuers are also subject to the requirement in Listing Rule 5702(c) to make prompt public disclosure of material information that would reasonably be expected to affect the value of its listed bonds or influence investors' decisions regarding such bonds, which will allow Nasdaq to timely review for events that may cause the issuer to be unable to meet its obligations on the listed non-convertible bonds. Thus, for example, an issuer would have to disclose if a non-convertible bond that was previously guaranteed is no longer guaranteed, or if the issuer or guarantor declares bankruptcy. An issuer would also have to disclose if its common stock is delisted, and Nasdaq would consider whether it is appropriate to continue the listing of the non-convertible bond of an issuer that was majority-owned, under common control, or guaranteed by a listed company, which has since been delisted. Nasdaq also would consider any changes in the rating assigned to the bond or other issues of the same company that were used to qualify the listed bond.

Finally, Nasdaq notes that in approving the bond listing standards of other exchanges,[14] the Commission considered the delisting criteria for the bonds and noted that it would have serious concerns about any proposal

---

if the issuer also lists its common stock or voting preferred stock, or their equivalent on Nasdaq it will be subject to all the requirements of the Nasdaq 5600 Rule Series.'' Nasdaq also proposes to include in the proposed Listing Rule 5702(d) exemptions from the requirements relating to Diverse Board Representation (as set forth in Rule 5605(f)) and Board Diversity Disclosure (as set forth in Rule 5606) applicable to an issuer of a non-convertible bond, as provided by Listing Rules 5605(f)(4) and 5606(c), respectively.

[9] *See* Section 104 of the NYSE American Company Guide. In addition, NYSE has similar listing conditions, although the NYSE rule does not permit listing of debt securities where the issuer has equity securities listed on Nasdaq or NYSE American, is directly or indirectly owned by, or is under common control with, an issuer listed on Nasdaq or NYSE American, or where an issuer listed on Nasdaq or NYSE American has guaranteed the debt security. *See* Section 102.03 of the NYSE Listed Company Manual.

[10] *See* Listing Rule 5615(a)(6)(A) and footnote 8 above.

[11] *See* S&P Global ''Understanding Ratings'' available at *https://www.spglobal.com/ratings/en/about/understanding-ratings,* which identifies ratings of ''BBB'' or higher as investment grade, at least two levels higher than ''B'' ratings.

[12] *See, e.g.,* Exhibit 2, Principles of Credit Ratings, to S&P Global Form NRSRO, available at *https://www.standardandpoors.com/en_US/delegate/getPDF?articleId=2193671&type=COMMENTS&subType=REGULATORY.*

[13] *See* Approval Order at 58313.

[14] *See* Section 104 of the NYSE American Company Guide; Securities Exchange Act Release No. 36594 (December 14, 1995), 60 FR 66330 (December 21, 1995) (approving SR–Amex–95–29). *See also* Securities Exchange Act Release No. 37878 (October 28, 1996), 61 FR 56726 (November 4, 1996) (Notice of filing and immediate effectiveness of proposed rule change by the Chicago Board Options Exchange, Inc., relating to listing and delisting standards for debt securities).

that does not provide for the delisting of convertible bonds where a company acts to disadvantage its shareholders. That concern was addressed by including in a requirement that the NYSE American would delist convertible bonds when the issuer's equity security is delisted due to a violation of the that exchange's corporate governance listing standards. However, in circumstances where the exchange lacked an equity listing relationship with the debt issuer the Commission concluded that:

> the revised standards should enable [NYSE American] to identify listed companies that may have insufficient resources to meet their financial obligations or whose debt securities may lack adequate trading depth and liquidity. This, in turn, will allow [NYSE American] to take appropriate action to protect bondholders.

In terms of the delisting criteria, the Commission discussed the lack a minimum market value for debt securities, elimination of the distribution requirement for ''unaffiliated'' [15] issuers and set forth its expectation for the exchange to consider carefully the propriety of continued exchange trading of the securities of bankrupt or distressed companies, and indicated that it expected debt securities with minimal value to be delisted. However, the Commission did not discuss or set forth any expectations that an unaffiliated bond issuer should be subject to any corporate governance requirements applicable to an issuer of an equity security. Nasdaq believes this approach is consistent with the creditors' reliance on contractual protections of their interests rather than on governance rights, as described above. Accordingly, Nasdaq believes that it is appropriate to exempt non-convertible bonds satisfying the requirements of Listing Rule 5702 from the requirements of the Rules and that this approach is consistent with the delisting requirements of other exchanges.[16]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to promote just and equitable principles of trade, 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.

Listing Rule 5702 allows the listing of non-convertible bonds issued by companies capable of meeting their financial obligations on those bonds. Nasdaq believes that the proposed rule change is designed to protect investors and the public interest because issuers that have equity securities listed on Nasdaq, are already subject to the requirements of the Rules, or such issuers are subject to the rules of NYSE or NYSE American, that impose substantially similar requirements.

Nasdaq also believes that exempting unaffiliated bond issuers is designed to remove impediments to and perfect the mechanism of a free and open market because issuers of such bonds are capable of meeting their financial obligations on those bonds and because Nasdaq lacks an equity listing relationship with the debt issuer or such relationship is attenuated. The existing alternative conditions for issuers that do not have equity securities listed on Nasdaq, NYSE American or NYSE are designed to protect investors and the public interest by ensuring that the bond is issued or guaranteed by an entity listed on Nasdaq, NYSE American or NYSE; is issued by an entity under direct, indirect or common control with an issuer listed on Nasdaq, NYSE American or NYSE; that the issue to be listed (or an issue that is at the same priority or junior to the issue to be listed) is assigned a minimum ''B'' rating or its equivalent by an NRSRO; or that the next most senior issue to the issue to be listed is assigned an investment grade rating. These conditions are appropriate indicia that the issuer, or a guarantor, can meet its obligations on the debt. Moreover, this approach is consistent with approach of NYSE American and other exchanges for listing debt.[19] As discussed above, Nasdaq believes that the Commission has previously considered this approach and approved listing standards that assure that an issuer is capable of meeting its financial obligations. Finally, Nasdaq notes that it surveils for changes to the conditions of listed bonds that may implicate the ability of the issuer to meet its obligations on the listed non-convertible bonds.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, the proposed rule change will enhance competition among exchanges by conforming Nasdaq's listing standards for non-convertible bonds to those of other exchanges, as described in details above. In addition, the proposed rule change may enhance competition among issuers by allowing more issuers to list their non-convertible bonds on Nasdaq, provided they meet the requirements of the rule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2022–015 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2022–015. This file number should be included on the

[15] The Commission defined an unaffiliated issuer as an issuer that has no equity securities listed on the [NYSE American] or NYSE; is not, directly or indirectly, majority-owned by, nor under common control with, an issuer of [NYSE American] or NYSE-listed equity securities; and is not issuing a debt security guaranteed by an issuer of equity securities listed on the [NYSE American] or NYSE.

[16] *See* footnote 14 above.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See* Section 104 of the NYSE American Company Guide, Nasdaq Listing Rule 5515(b)(4) and Section 102.03 of the NYSE Listed Company Manual.

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2022–015, and should be submitted on or before March 16, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03760 Filed 2–22–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94264; File No. SR–BOX–2022–07]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility To Adopt Electronic Market Maker Trading Permit Fees

February 16, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2022, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to on the BOX Options Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to establish a new monthly Participant Fee. Specifically, the Exchange proposes to adopt electronic Market Maker Trading Permit Fees as follows: (i) $4,000 per month for Market Maker Appointments in up to and including 10 classes; (ii) $6,000 per month for Market Maker Appointments in up to and including 40 classes; (iii) $8,000 per month for Market Maker Appointments in up to and including 100 classes; and (iv) $10,000 per month for Market Maker Appointments for over 100 classes. For the calculation of the monthly electronic Market Maker Trading Permit fees, the number of classes is defined as the greatest number of classes the Market Maker was appointed to quote in on any given day within the calendar month. The Exchange notes that the proposed electronic Market Maker Trading Permit fees are lower than fees assessed at competing options exchanges.[5] The Exchange notes the current monthly Participant Fee of $1,500 per month will not apply to electronic Market Makers. Under this proposal, electronic Market Makers will pay the applicable monthly electronic Market Maker Trading Permit fee only. All other electronic Participants[6] will continue to pay the monthly Participant Fee in Section VIII.B of the BOX Fee Schedule.

The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs that have grown substantially since the Exchange implemented the Participant Fee for all BOX Participants in 2016. The Exchange also believes the proposed electronic Market Maker Trading Permit Fees will allow BOX to offset expenses that BOX has and will incur, and that BOX is providing sufficient transparency (as described below) into how BOX determined to charge such fees. Accordingly, BOX is providing an analysis of its revenues, costs, and profitability associated with the proposed electronic Market Maker Trading Permit Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with providing access services to electronic Market Makers.[7]

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* NYSE Arca, Inc. (''NYSEArca'') Fee Schedule (assessing Market Makers $6,000 for up to 175 option issues, an additional $5,000 for up to 350 option issues, an additional $4,000 for up to 1,000 option issues, and an additional $3,000 for all option issues traded on the Exchange). The Exchange notes that these fees are compounded, so Market Makers who trade in all option issues on the exchange are assessed $18,000 per month. *See also* Miami International Securities Exchange, LLC (''MIAX'') Fee Schedule (assessing Market Makers $7,000 for up to 10 classes or up to 20% of classes by volume, $12,000 for up to 40 classes or up to 35% of classes by volume, $17,000 for up to 100 classes or up to 50% or classes by volume, and $22,000 for over 100 classes or over 50% of classes by volume up to all classes listed on MIAX).

[6] The Exchange notes the following Participant types on BOX: Public Customers, Professional Customers, Broker Dealers, and Market Makers. Pursuant to this proposal, Public Customers, Professional Customers, and Broker Dealers will continue to be charged the $1,500 Participant Fee detailed in Section VIII.B of the BOX Fee Schedule.

[7] BOX notes that the structure of BOX is different from other options exchanges in the industry.

In order to determine BOX's costs to provide the access services to electronic Market Makers, BOX conducted an extensive cost review in which BOX analyzed all expenses in BOX's general expense ledger to determine whether each such expense relates to Market Maker access services, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the access services. The sum of all such portions of expenses represents the total cost for BOX to provide the access services to electronic Market Makers. For the avoidance of doubt, no expense amount was allocated twice.

In order to determine BOX's projected revenues associated with the proposed Market Maker Permit Fees, BOX analyzed the number of Participants currently utilizing the Trading Permits, and, utilizing a recent monthly billing cycle representative of 2021 monthly revenue, extrapolated annualized revenue on a going-forward basis utilizing the proposed Market Maker Permit Fees discussed herein. BOX does not believe it is possible or appropriate to factor into its analysis future revenue growth or decline into its projections for purposes of these calculations, given the uncertainty of such projections due to the continually changing access needs of market participants and general market participant behavior. BOX does, however, believe that it is reasonable and appropriate to factor into its analysis future cost growth or decline for expenses related to providing access services associated with the proposed electronic Market Maker Trading Permit fees. The Exchange is presenting its revenue and expense associated with providing access services to electronic Market Makers in this filing in a manner that is consistent with how BOX presents its revenue and expense in its Audited Financial Statements. BOX's most recent Audited Financial Statement is for 2020. However, since the revenues and expenses associated with the proposed electronic Market Maker Trading Permit fees were not in place in 2020, the Exchange believes its 2020 Audited Financial Statement is not representative of its current total annualized revenue and costs associated with the proposed electronic Market Maker Trading Permit fees. Accordingly, BOX believes it is more appropriate to analyze the proposed electronic Market Maker Trading Permit fees utilizing its 2021 revenue and costs, as described herein, which utilize the same presentation methodology as set forth in BOX's previously-issued Audited Financial Statements.[8] Based on the analysis discussed herein, the Exchange believes that the proposed electronic Market Maker Trading Permit fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing BOX's total annual expense associated with providing the access services to electronic Market Makers versus the total projected annual revenue BOX will collect for providing those services.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange established the current $1,500 monthly Participant Fee in October 2016 for all Participants regardless of account type.[10] At the time BOX established this Participant Fee, BOX's market share was 2.45% and the total volume of options contracts traded on BOX in September 2016 was 8,737,707. The Exchange established this lower (when compared to other options exchanges in the industry) Participant fee in order to encourage market participants to become Participants of BOX and register as BOX Market Makers. Since 2016, BOX has grown its market share and membership base significantly. Specifically, in September 2021, BOX's market share was 5.19% and the total volume of option contracts traded on BOX in September 2021 was 42,098,287. BOX recently reviewed its current Participant Fees detailed in Section VIII of the BOX Fee Schedule. In its review, BOX determined that Participant fees would need to be raised, and a flat fee for all Participant types is no longer appropriate. Specifically, BOX found that electronic Market Makers had been benefitting from a flat Participant Fee rate while (1) consuming the most bandwidth and resources of the network; (2) transacting the vast majority of the volume on BOX; and (3) requiring the high touch network support services provided by BOX and its staff. The Exchange notes that Broker Dealers, Professional Customers, and Public Customers take up significantly less BOX resources and costs as discussed further below. In its review, BOX found that since 2016, Market Makers have had the luxury of paying the same Participant Fees as other account types despite Market Makers consuming the most resources on the BOX system and contributing to increased costs for BOX. As such, the Exchange proposes to establish higher, separate electronic Trading Permit fees for Market Makers that are more aligned with the costs and resources that Market Makers continue to place on BOX and its systems. Additionally, the Exchange believes that the proposed change will better align BOX Participant Fees with rates charged by competing options exchanges in the industry for similar Trading Permits for such market participants. As such, BOX believes the proposed electronic Market Maker Trading Permit fees are reasonable in that they are lower than comparable fees at other options exchanges.[11] Further, the Exchange believes that the proposal is reasonably designed to continue to compete with other options exchanges by incentivizing market participants to register as Market Makers on BOX in a manner than enables BOX to improve its overall competitiveness and strengthen market quality for all market participants.

The proposed fees are equitable and not unfairly discriminatory as the fees apply equally to all electronic Market Makers. As such, all similarly situated

Specifically, BOX Exchange LLC (''Exchange'') is a fully separate legal entity from BOX Options Market LLC, the equity options facility of the Exchange. All of the Exchange's expenses support the regulatory function as the Exchange. Further, the Exchange fulfills the regulatory functions and responsibilities as a national securities exchange registered with the SEC under Section 6 of the Securities Exchange Act of 1934, and oversees the BOX Options Market. Exchange expenses are solely regulatory in nature because, due to the unique structure between the Exchange and the BOX Options Market facility, the Exchange expenses are separate from the BOX Options Market facility expenses and there can be no commingling of the funds. As such, the expenses discussed herein are solely those of BOX Options Market and not the Exchange.

[8] For example, BOX previously noted that direct and indirect expenses described in a prior fee filing were contained in the following line items in BOX's 2018 Form 1: Technical and Operational, External IT Services, Data Processing & Communication, Depreciation, Personnel, Amortization, Rent of facilities, Office-related, Professional Services, Other. *See* Securities Exchange Act Release No. 88161 (February 11, 2020), 85 FR 8968 (February 18, 2020) (SR–BOX–2020–03). Accordingly, the direct and indirect expenses described in this filing is attributed to the same line items for BOX's 2021 Form 1 Amendment, which will be filed in 2022. The Exchange notes that another exchange has utilized a similar presentation methodology in a recent filing and such filing was noticed and not suspended by the Commission when the exchange adopted Trading Permit fees. *See* Securities Exchange Act Release Nos. 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03). *See also* SR–PEARL–2021–59.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See* Securities Exchange Act Release No. 79038 (October 4, 2016), 81 FR 70214 (October 11, 2016) (SR–BOX–2016–47).

[11] *See supra* note 5.

electronic Market Makers, with the same number of appointments, will be subject to the same electronic Market Maker Trading Permit fee. The Exchange also believes that assessing lower fees to electronic Market Makers that quote in fewer classes is reasonable and appropriate as it will allow BOX to retain and attract smaller-scale electronic Market Makers, which are an integral component of the options industry marketplace. Since these smaller electronic Market Makers utilize less bandwidth and capacity on the BOX network due to the lower number of quoted classes, the Exchange believes it is reasonable and appropriate to offer such electronic Market Makers a lower fee. The Exchange also notes that other options exchanges assess permit fees at different rates, based upon a member's participation on that exchange,[12] and, as such, this concept is not new or novel.

Further, the Exchange believes the proposed tiered structure of the electronic Market Maker Trading Permit fees is reasonable and appropriate. Under the proposal, electronic Market Makers will be charged monthly fees based on the greatest number of classes quoted on any given trading day in a calendar month. Under the proposed fee structure, the fees increase as the number of classes quoted by a Market Maker increases. The Exchange believes this structure is reasonable because the BOX system requires increased performance and capacity in order to provide the opportunity for Market Makers to quote in a higher number of options classes on BOX. Specifically, the more classes that are actively quoted on BOX by a Market Maker requires increased memory for record retention, increased bandwidth for optimized performance, increased functionalities on each application layer, and increased optimization with regard to surveillance and monitoring of such classes quoted. As such, basing the Market Maker Trading Permit fee on the greatest number of classes quoted in on any given day in a calendar month is reasonable and appropriate when taking into account how the increased number of quoted classes directly impact the costs and resources for BOX. Further, the Exchange believes that the proposed tiered structure is equitable and not unfairly discriminatory as all similarly situated Market Makers will be charged the same fee. The Exchange notes that another options exchange in the industry calculates Market Maker Permit Fees in the same manner.[13]

The Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the proposed fees will not result in excessive or supra-competitive profit. The costs associated with providing access to Participants and non-Participants are extensive, have increased year-over-year, and are projected to increase year-over-year in the future. In particular, BOX has experienced a material increase in its costs in the last several years, in connection with projects to make its network environment more transparent and deterministic, based on customer demand. In order to provide this for BOX Participants and non-Participants, in 2021 alone BOX has made significant capital expenditures (''CapEx''), incurred increased ongoing operational expenditures (''OpEx''), and undertaken additional engineering research and development (''R&D'') in the following areas: (i) Implementing an improved network design to ensure equalized cabling between Participants; (ii) introducing designated gateways for BOX Market Makers; and (iii) optimization of network and systems to better handle the increased quote and order flow seen through 2020 and 2021. The CapEx in 2021 was approximately $720,000 for BOX. This expense does not include the significant increase in employee time and other resources necessary to maintain and service this network, which expense is captured in the operating expense discussed below. These projects, which resulted in a material increase in expense to BOX, are, among other things, intended to enhance the overall trading experience at BOX, making it a venue that market participants want to access.

Given these increased costs, BOX determined that access fees must be increased and believes the proposed electronic Market Maker Trading Permit fees are equitably allocated between other BOX Participants and Market Makers, when these fees are viewed in the context of the overall activity on BOX, as Market Makers: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on BOX; and (3) require the high touch network support services provided by BOX and its staff, including more costly network monitoring, reporting and support services, resulting in a much higher cost to BOX. The proposed electronic Market Maker Trading Permit fees are equitably allocated in this regard because the majority of customer demand comes from Market Makers, whose transactions make up a majority of the volume on BOX. Accordingly, the Exchange believes it is reasonable, equitably allocated, and not unfairly discriminatory to recoup a portion of its costs associated with providing electronic Market Makers access services. BOX believes that the proposed electronic Market Maker Trading Permit fees are equitably allocated between other BOX Participants and Market Makers, as Market Makers consume the most bandwidth and resources of the network because only Market Makers submit quotes on BOX. Specifically, BOX notes that these market participants account for greater than 99% of message traffic over the network, while other non-Market Maker market participants account for less than 1% of message traffic over the network. In BOX's experience, most BOX Participants do not have a business need for the high performance network solutions required by Market Makers. BOX's high performance network solutions and supporting infrastructure (including employee support), provides unparalleled system throughput and the capacity to handle approximately 3 million quote messages per second. On an average day, BOX handles over 1.6 billion total messages. Of those, Market Makers generate approximately 1.59 billion messages, and other BOX Participants generate 9.5 million messages. However, in order to achieve consistent, premium network performance, BOX must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers. These billions of messages per day consume BOX's resources and significantly contribute to the overall expense for storage and network transport capabilities. Given this difference in network utilization rate, the Exchange believes that it is

[12] *See e.g.,* NYSE Arca Options Fees and Charges, p.1 (assessing market makers $6,000 for up to 175 option issues, an additional $5,000 for up to 350 option issues, an additional $4,000 for up to 1,000 option issues, an additional $3,000 for all option issues on the exchange, and an additional $1,000 for the fifth trading permit and for each trading permit thereafter); NYSE American Options Fee Schedule, p. 23 (assessing market makers $8,000 for up to 60 plus the bottom 45% of option issues, an additional $6,000 for up to 150 plus the bottom 45% of option issues, an additional $5,000 for up to 500 plus the bottom 45% of option issues, and additional $4,000 for up to 1,100 plus the bottom 45% of option issues, an additional $3,000 for all issues traded on the exchange, and an additional $2,000 for 6th to 9th ATPs; plus an addition fee for premium products). *See also* Cboe BZX Options Exchange (''BZX Options'') assesses the Participant Fee, which is a membership fee, according to a member's ADV. *See* Cboe BZX Options Exchange Fee Schedule under ''Membership Fees''. The Participant Fee is $500 if the member ADV is less than 5,000 contracts and $1,000 if the member ADV is equal to or greater than 5,000 contracts.

[13] *See* Nasdaq Phlx LLC (''Phlx'') Fee Schedule, Section 8(B) detailing the tiered structure for Streaming Quote Trader (''SQT'') Fees.

reasonable, equitable, and not unfairly discriminatory that Market Makers pay for a higher portion of the access costs (compared to other Participant types) designed to be recovered via the proposed electronic Market Maker Trading Permit fees.

In order to provide more detail and to quantify BOX's costs associated with providing access to the BOX network in general, BOX notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to BOX. BOX incurs technology expenses related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the expenses associated with access services for electronic Market Makers increase. For example, new Market Makers to BOX may require the purchase of additional hardware to support those Participants as well as enhanced monitoring and reporting of customer performance that BOX provides. Further, as the total number of Market Makers increase, BOX may need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to BOX to provide access to its Participants is not fixed. BOX believes the proposed electronic Market Maker Trading Permit fees are reasonable in order to offset a portion of the costs to BOX associated with providing access to Market Makers to its network infrastructure.

BOX Market Makers have and continue to account for the vast majority of network capacity utilization and trading activity on BOX and thus account for the majority of expenses placed on BOX systems. Specifically, in 2017 (the year after BOX established the flat Participant Fee), the total expense for providing access services for all Participant types was approximately $819,000. Broken down further, in 2017, the total expense for providing access services to non-Market Maker Participants was approximately $117,000 and the total expense for providing access services to Market Makers was approximately $702,000. The Exchange has seen this disparity in access expenses between non-Market Makers and Market Makers year after year since the establishment of the Participant Fee in 2016. In 2018, the total expense for providing access services for all Participant types was approximately $763,000—approximately $109,000 allocated to non-Market Maker expenses and approximately $654,000 allocated to Market Maker expenses. In 2019, the total expense for providing access services for all Participant types was approximately $722,000—approximately $103,000 allocated to non-Market Maker expenses and approximately $619,000 allocated to Market Makers. In 2020, the total expense for providing access services for all Participant types was approximately $1.1 million—approximately $161,000 allocated to non-Market Maker expenses and approximately $971,000 allocated to Market Makers. Further, as discussed herein, BOX experienced a material increase in costs in 2021 and projects a similar material increase for 2022 due to projects to make its network environment more transparent and deterministic, and increased order flow seen throughout the industry. These increased costs are reflected in the expenses related to providing access services to all BOX Participants. Specifically, in 2021, the total expense for providing access services for all Participant types was approximately $1.29 million—approximately $190,000 allocated to non-Market Maker expenses and approximately $1.1 million allocated to Market Makers. Further, in the projected expenses for 2022, the total projected expense for providing access services for all Participant types is approximately $1.89 million—approximately $270,000 allocated to non-Market Maker expenses and $1.62 million allocated to Market Makers. As illustrated by these access expenses year over year, it is clear that BOX Market Makers account for the majority of expenses related to the provision of access services for BOX Participants. Accordingly, BOX believes that it is reasonable and appropriate to charge electronic Market Makers more than other BOX Participants for electronic Trading Permits to access the BOX network.

BOX believes that the proposed Market Maker Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense that BOX projects to incur in connection with providing these access services versus the total annual revenue that BOX projects it will collect in connection with the associated electronic Market Maker Trading Permit fees.

As discussed herein, BOX conducted an extensive cost review in which BOX analyzed all expenses in BOX's general expense ledger to determine whether each such expense relates to the access services for electronic Market Makers, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. While BOX undertook this review of its expenses from 2019 through 2021, it focused on the 2021 expenses as these are the most recent and clearly demonstrate why BOX determined that access fees needed to be raised for certain Participants. The sum of all such portions of expenses represents the total cost to BOX to provide Market Makers access to the BOX network.

For 2021,[14] the total annual expense for providing access services to Market Makers was approximately $1.1 million. The $1.1 million in projected total annual expense is comprised of direct and indirect expenses. For 2021, total direct expense, (which relates to the network infrastructure, associated data center processing equipment required to support various connections, network monitoring systems and associated software required to support the access services for Market Makers) was $770,749.[15] It is important to note that BOX did not allocate the entirety of its overall direct expense in 2021 to providing access services for Market Makers. Specifically, the $770,749 direct expense is only a portion of the overall direct expenses for access service incurred by BOX as overall direct expenses in 2021 totaled approximately $8.2 million.[16] To reiterate, the Exchange did not allocate all of the direct expenses toward the cost of providing access services to Market Makers, only that portion which BOX identified as being specifically mapped to providing the access services to Market Makers, approximately 10% of the total direct expense for access services. The Exchange believes this allocation is reasonable because it represents BOX's actual cost to provide access services to its Market Makers, and not any other service, as supported by its cost review.

The indirect expense (which includes expenses related to employee compensation and benefits for full-time

[14] BOX has not yet finalized its 2021 year end results.

[15] The direct expenses detailed herein are contained in the following line items: Technical and Operational, External IT Services, Data Processing & Communication, and Depreciation.

[16] This overall direct expense total includes all expenses related to space rental, power usage, connections, etc., at the Exchange's data centers, trading technology support, software and hardware depreciation, and intermarket linkage and third party market data connectivity fees.

employees, legal expenses and other professional services, and office space and rent and other miscellaneous expenses) that BOX allocates to providing access services to electronic Market Makers in 2021 was approximately $370,435.[17] BOX notes that the overall indirect expense in 2021 totaled approximately $18.5 million. To reiterate, the Exchange did not allocate all of the indirect expenses incurred in 2021 toward the cost of providing the access services to Market Makers. Specifically, BOX allocated approximately 2% of the total indirect expense incurred in 2021 to Market Maker access services. The Exchange notes that it took a conservative approach with regard to the allocation of indirect expenses related to providing access services to Market Makers. As such, this may result in BOX under allocating an expense to the provision of access services for Market Makers and such expenses may actually be higher or increase above what BOX utilizes within this proposal. The Exchange believes this allocation is reasonable and appropriate when compared to other exchanges' allocations of similar indirect costs.[18]

Further, BOX analyzed projected expenses for 2022 with regard to providing access services to Market Makers. The projected total expense for providing access services to Market Makers in 2022 is approximately $1.6 million.[19] BOX notes that direct expenses associated with providing access services to Market Makers will increase 61%, while indirect expenses associated with providing access services to Market Makers are not projected to exceed 2021 costs.[20] BOX expects significant increases in costs for space rental, power usage, connections, etc., at the Exchange's data centers and trading technology support. These increased costs are attributed to projects including, but not limited to redesign and migration to an equalized cabling infrastructure, the optimization of order entry protocol, and upgrades to the trading servers and production network in connection with the increased order flow seen in 2020 and 2021 and expected in 2022.[21]

The Exchange notes that a material portion of its total overall expense is allocated to the provision of access services (including connectivity for all BOX Participants and ports).[22] The Exchange believes this is reasonable and in line, as BOX operates a technology-based business that differentiates itself from its competitors based on its trading systems that rely on access to a high-performance network, resulting in significant technology expense. The majority of BOX's expense is technology-based. As such, the Exchange believes it is reasonable to allocate a portion of its total overall expense towards the proposed electronic Market Maker Trading Permit fees.

Accordingly, based on the facts and circumstances presented above, the Exchange believes that the proposed electronic Market Maker Trading Permit Fees will not result in excessive pricing or supra-competitive profit. To illustrate, beginning January 1, 2022, on a fully annualized basis, BOX projects that its annualized revenue associated with the proposed electronic Market Maker Trading Permit Fees would be approximately $1.23 in 2022 based on a recent billing cycle. As noted above, BOX projects that its annualized expense for providing the access services to electronic Market Makers would be approximately $1.62 million in 2022. Accordingly, on a fully-annualized basis, the Exchange believes its total projected revenue from the proposed electronic Market Maker Trading Permit fees will not result in any profit for BOX, rather the projected revenue will only recoup a portion of the 2022 expense for providing access services to electronic Market Makers (approximately $1.23 million revenue minus approximately $1.62 million in expense = approximately $388,000 loss in 2022).[23] The Exchange notes that the fee charged to each Market Maker for electronic Trading Permits may vary from month to month depending on the number of classes in which the Market Maker was appointed to quote on any given day within the calendar month. As such, the revenue projection is not a static number, with monthly Trading Permit fees likely to fluctuate month to month.

For the avoidance of doubt, none of the expenses included herein relating to providing access services to electronic Market Makers relate to the provision of any other services offered by BOX. Stated differently, no expense amount on BOX was allocated more than once. The Exchange notes that, with respect to the BOX expenses included herein, those expenses only cover the BOX Options Market; expenses associated with the Exchange, BOX Exchange LLC, are accounted for separately and are not included within the scope of this filing.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective figures of each expense category described above towards the total cost to BOX of operating and supporting the network, including providing access services to electronic Market Makers because BOX performed a line-by-line item analysis of all the expenses of BOX, and has determined the expenses that directly relate to providing Market Makers access to BOX. Further, the Exchange notes that, without the specific direct and indirect items listed above, BOX would not be able to provide the access services to its Market Makers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to providing access services to its Market Makers. The proposed fees are intended to recover BOX's costs of providing Market Makers access to the BOX network. Accordingly, the Exchange believes that the proposed electronic Market Maker Trading Permit fees are fair and reasonable because they do not result in excessive pricing or supra-competitive profit, when comparing the actual costs to BOX versus the projected annual

[17] The indirect expenses detailed herein are contained in the following line items in the BOX 2021 Form 1: Personnel, Amortization, Rent of facilities, Office-related, Professional Services, Other expenses.

[18] With regard to their proposed access fees, MIAX Emerald allocated approximately 15% of the total employee compensation and benefits expense, approximately 15% of the total depreciation and amortization expense, and approximately 15% of the total occupancy expense. MIAX Pearl allocated approximately 6% of the total applicable employee compensation and benefits expense, approximately 5% of the total applicable depreciation and amortization expense, and approximately 8% of the total applicable occupancy expense. As such, BOX believes its conservative allocation percentage is reasonable and appropriate.

[19] The Exchange notes that these numbers are projections based on BOX's projected 2022 budget expenditures. These costs are subject to change depending on the nature of the project or service, however BOX does not expect material changes to the projected expenses.

[20] Expenses for 2022 are based off of BOX projected expenses and budget. These expenses are subject to change.

[21] As discussed above, the costs of these projects are included in the total direct expenses for access services, of which only a portion were allocated to the direct expenses associated with providing access services to Market Makers.

[22] No expenses related to connectivity or ports were included in BOX's overall expense calculation for purposes of this proposal.

[23] The Exchange notes that other exchanges that recently amended access fees resulted in a 24% and 10% profit margin, respectively. *See* Securities Exchange Act Release Nos. 93555 (November 10, 2021), 86 FR 64254 (November 17, 2021) (SR–PEARL–2021–54) *and* 91033 (February 1, 2021), 86 FR 8455 (February 5, 2021) (SR–EMERALD–2021–03). The Exchange notes that similar access fees are currently charged at these exchanges today.

revenue from the proposed electronic Market Maker Trading Permit fees.

The Exchange believes that the proposed electronic Market Maker Trading Permit fees are reasonable, equitable, and not unfairly discriminatory because they are lower than comparable fees at other competing options exchanges.[24] The proposed fees are fair and equitable and not unreasonably discriminatory because they apply equally to all Market Makers and access to BOX is offered on terms that are not unfairly discriminatory. BOX designed the fee rates in order to provide objective criteria for Market Makers of different sizes and business models that best matches their quoting activity on BOX. BOX believes that the proposed fee rates and criteria provide an objective and flexible framework that will encourage Market Makers to be appointed and quote in option classes while also equitably allocating the fees in a reasonable manner amongst Market Maker appointments to account for quoting and trading activity.[25]

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, BOX must continually adjust its fees for services and products, in addition to order flow, to remain competitive with other exchanges. BOX believes that the proposed changes reflect this competitive environment.

Finally, the Exchange notes it is not aware of any reason why Market Makers could not simply drop their access to an exchange (or not initially access an exchange) if an exchange were to establish prices for its non-transaction fees that, in the determination of such Market Maker, did not make business or economic sense for such Market Maker to access such exchange. No options market participant—including Market Makers—are required by rule, regulation, or competitive forces to be a Participant of the Exchange. As evidence of the fact that market participants can and do drop their access to exchanges based on non-transaction fee pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04). The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Accordingly, this example shows that if an exchange sets a certain fee for connectivity and/or other non-transaction fees for its relevant marketplace that are too high or deemed unreasonable by such market participant, market participants can choose to drop their access to such exchange if they so choose.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange believes that the proposed electronic Market Maker Trading Permit fees do not place certain market participants at a relative disadvantage to other market participants because the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the fee rates are designed in order to provide objective criteria for Market Makers of different sizes and business models that best matches their quoting activity on BOX. Further, the Exchange believes that the proposed electronic Market Maker Trading Permit fees will not impose a burden on intramarket competition because, when these fees are viewed in the context of the overall activity on BOX, Market Makers: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on BOX; and (3) require the high touch network support services provided by BOX and its staff, including more costly network monitoring, reporting and support services, resulting in a much higher cost to BOX. The Exchange notes that the majority of customer demand comes from Market Makers, whose transactions make up a majority of the volume on BOX. Further, as discussed herein, other Participant types (Broker Dealers, Professional Customers, and Public Customers) take up significantly less BOX resources and costs. As such, the Exchange does not believe charging electronic Market Makers higher Trading Permit fees than other Participant types will impose a burden on intramarket competition.

The Exchange believes that the tiered structure of the proposed electronic Market Maker Trading Permit fees will not impose a burden on intramarket competition because the tiered structure takes into account the number of classes quoted by each individual Market Maker. As discussed herein, the BOX system requires increased performance and capacity in order to provide the opportunity for each Market Maker to quote in a higher number of options classes on BOX. Specifically, the more classes that are actively quoted on BOX by a Market Maker requires increased memory for record retention, increased bandwidth for optimized performance, increased functionalities on each application layer, and increased optimization with regard to surveillance and monitoring of such classes quoted. As such, basing the Market Maker Trading Permit fee on the greatest number of classes quoted in on any given day in a calendar month is reasonable and appropriate when taking into account how the increased number of quoted classes directly impact the costs and resources for BOX.

Inter-Market Competition

The Exchange believes the proposed Market Maker Fees do not place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, options market participants are not forced to become participants of all options exchanges. The Exchange notes that it has far less Participants as compared to the much greater number of participants at other options exchanges. There are a number of large market makers and broker-dealers that are participants of other options exchange but not Participants of BOX. The Exchange is also unaware of any assertion that its existing fee levels or the proposed electronic Market Maker Fees would somehow unduly impair its competition with other options exchanges. To the contrary, if the fees charged are deemed too high by market participants, they can simply discontinue their membership with BOX.

The Exchange operates in a highly competitive market in which market participants can readily favor one of the 15 competing options venues if they deem fee levels at a particular venue to be excessive. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% market share. Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and

[24] *See supra* note 5.

[25] Prior to filing this proposal, the Exchange notes that BOX Market Makers were made aware of the proposed tier structure and fee change. BOX received feedback from these Market Makers and adjusted the fees accordingly based on their feedback. Market Makers are not required to quote on every options exchange. BOX Market Makers choose to quote and transact business on BOX because BOX is providing increased trading opportunities for these firms.

ETF options order flow. For the month of November 2021, BOX had a market share of approximately 5.58% of executed multiply-listed equity options [26] and BOX believes that the ever-shifting market share among exchanges from month to month demonstrates that market participants can discontinue or reduce use of certain categories of products, or shift order flow, in response to fee changes. In such an environment, BOX must continually adjust its fees and fee waivers to remain competitive with other exchanges and to attract order flow to the facility.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [27] and Rule 19b–4(f)(2) thereunder,[28] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2022–07 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–BOX–2022–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2022–07, and should be submitted on or before March 16, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03763 Filed 2–22–22; 8:45 am]

BILLING CODE 8011–01–P

[26] *See* Options Volume by Exchange available at *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Volume-by-Exchange.*

[27] 15 U.S.C. 78s(b)(3)(A)(ii).

[28] 17 CFR 240.19b–4(f)(2).

[29] 17 CFR 200.30–3(a)(12).

SELECTIVE SERVICE SYSTEM

Form To Be Submitted to the Office of Management and Budget for Extension of Clearance

AGENCY: Selective Service System.

ACTION: Notice.

The following form will be submitted to the Office of Management and Budget (OMB) for extension of clearance without change in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35):

SSS Form 750

Title: Request for a Medical Exception to the COVID–19 Vaccination Requirement.

Summary: Per Executive Order 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, and guidance from the Safer Federal Workforce Task Force, the Selective Service System (SSS) created and received emergency clearance for the Agency's Request for a Medical Exception to the COVID–19 Vaccination Requirement form. This form is for SSS employees requesting a medical exception to the vaccine requirements. The current form is only valid for six months. In anticipation of future requests from its employees, the SSS is seeking an extension of this currently approved collection.

Respondents: SSS employees and their personal medical providers.

Frequency: Completion is a one-time occurrence.

Burden: A burden of 30 minutes or less on the individual respondent.

SUPPLEMENTARY INFORMATION: The vaccination requirement issued pursuant to E.O. 14043, is currently the subject of a nationwide injunction. While that injunction remains in place, Selective Service System will not process requests for a medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043. Selective Service System will also not request the submission of any medical information related to a request for an exception from the vaccination requirement pursuant to E.O. 14043 while the injunction remains in place. But Selective Service System may nevertheless receive information regarding a medical exception. That is because, if Selective Service System were to receive a request for an exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 during the pendency of the injunction, Selective Service System will accept the request, hold it in abeyance, and notify the employee who

submitted the request that implementation and enforcement of the COVID–19 vaccination requirement pursuant to E.O. 14043 is currently enjoined and that an exception therefore is not necessary so long as the injunction is in place. In other words, during the pendency of the injunction, any information collection related to requests for medical exception from the COVID–19 vaccination requirement pursuant to E.O. 14043 is not undertaken to implement or enforce the COVID–19 vaccination requirement.

Copies of the above identified form can be obtained upon written request to the Selective Service System, IT Directorate, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425.

Written comments and recommendations for the proposed extension of clearance without change of the form should be sent within 60 days of the publication of this notice to the Selective Service System, Mr. Daniel Mira, Senior Agency Official for Privacy, 1515 Wilson Boulevard, Arlington, Virginia 22209–2425. A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of DC 20503.

Daniel Mira,

Deputy Chief Information Officer, Senior Agency Official for Privacy.

[FR Doc. 2022–03773 Filed 2–22–22; 8:45 am]

BILLING CODE 8015–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17348 and #17349; HAWAII Disaster Number HI–00068]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Hawaii

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of HAWAII (FEMA–4639–DR), dated 02/15/2022.

Incident: Severe Storms, Flooding, and Landslides.

Incident Period: 12/05/2021 through 12/10/2021.

DATES: Issued on 02/15/2022.

Physical Loan Application Deadline Date: 04/18/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 11/15/2022.

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: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 02/15/2022, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: City of Honolulu, Honolulu, Maui.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17348 B and for economic injury is 17349 0.

(Catalog of Federal Domestic Assistance Number 59008)

Barbara Carson,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 2022–03831 Filed 2–22–22; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Consensus Standards, Light-Sport Aircraft, Notice No. NOA–21–01

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of one new and two revised consensus standards relating to the provisions of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule. ASTM International (ASTM) Committee F37 on Light-Sport Aircraft developed the new and revised standards with FAA participation. The FAA finds the new and revised standards acceptable for certification under the provisions of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0225 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.

☐ *Email:* Send comments to: *9-ACE-AVR-LSA-Comments@faa.gov.* Specify the standard being addressed by ASTM designation and title. Mark all comments: Consensus Standards Comments.

FOR FURTHER INFORMATION CONTACT: John Stoll, Light-Sport Aircraft Program Manager, Production and Airworthiness Systems, AIR–632, Systems Policy Branch, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4178; email:*john.stoll@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to submit any written data, views, or arguments about this notice. Comments should identify the consensus standard number and be sent to an address listed under ADDRESSES. The FAA will forward all comments received on or before the closing date to ASTM Committee F37 for consideration, who may change the standard in light of the comments received. The FAA will address all comments received during its recurring review of the consensus standards and participation in the consensus standards revision process.

Background

This notice announces the availability of one new and two revised consensus standards, developed by ASTM Committee F37 on Light-Sport Aircraft, which supersede previously accepted consensus standards. Under the provisions of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule (69 FR 44772; July 27, 2004) and Office of Management and Budget (OMB) Circular No. A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment

Activities,'' issued February 10, 1998, and revised January 27, 2016, the FAA accepted consensus standards for the certification of light-sport aircraft.

Instead of developing airworthiness standards through the rulemaking process, the FAA participates as a member of Committee F37 in developing and revising these standards. In the final rule, the FAA stated the agency would continue to participate in revising the consensus standards at an interval no longer than every two years (69 FR 44787). Each review cycle results in a revision to or reapproval of the consensus standard. A revision changes the technical content of the consensus standard, while a reapproval indicates a review cycle has been completed with no technical changes.

Each consensus standard is issued under a fixed designation (*e.g.,* F2245). A number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses following the year of original adoption or revision indicates the year of last reapproval. For example, F2242–05(2013) designates a standard that was originally adopted (or revised) in 2005 and reapproved in 2013. A superscript epsilon (ε) after the reapproval year indicates an editorial change since the last revision or reapproval. The FAA only issues a notice of availability for new or revised standards. Reapproved standards issued with no technical changes or standards issued with editorial changes only (*i.e.,* superscript epsilon [ε]) are accepted by the FAA without notice.

Comments on Previous Notice of Availability

The FAA last published a notice of availability of new and revised consensus standards in the **Federal Register** on October 3, 2018 (83 FR 49971; corrected October 22, 2018, 83 FR 53358). In the notice, the FAA requested public comments on two new and two revised consensus standards. The comment period closed on December 3, 2018. The FAA received no comments.

Consensus Standards in This Notice of Availability

The FAA has participated in the development process for the consensus standards presented in this notice of availability and reviewed these standards for compliance with the regulatory requirements of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule. Any light-sport aircraft that has been designed, manufactured, and operated in accordance with these and previously accepted consensus standards provides the public with an appropriate level of safety.

Manufacturers who chose to produce and certificate these aircraft under 14 CFR 21.190 or 21.191 must state that the aircraft meets the provisions of the latest FAA-accepted consensus standards for light sport aircraft.

The FAA maintains a listing of the FAA-accepted consensus standards for light-sport aircraft on the following website: *http://www.faa.gov/aircraft/gen_av/light_sport/.*

Effective Period of Use for Previous Consensus Standards

The following previously-accepted consensus standards have been revised. This notice announces the FAA's acceptance of the revisions. Either the previous revision or the current revision may be used for initial airworthiness certification of light-sport aircraft until February 23, 2023. This period will allow aircraft that have started the initial airworthiness certification process using the previous revision to complete that process. After February 23, 2023, manufacturers must use the current revision and must identify the current revision in the manufacturer's statement of compliance for initial airworthiness certification of light-sport aircraft unless the FAA publishes a notification otherwise.

The following consensus standards may not be used after February 23, 2023:

ASTM Designation F2245–16c, Standard Specification for Design and Performance of a Light Sport Airplane

ASTM Designation F2339–17, Standard Practice for Design and Manufacture of Reciprocating Spark Ignition Engines for Light Sport Aircraft

The Consensus Standards

The FAA finds the following new and revised consensus standards acceptable for certification under the provisions of the Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft rule. These consensus standards become effective February 23, 2022 and may be used unless the FAA publishes a notification otherwise:

ASTM Designation F2245–20, Standard Specification for Design and Performance of a Light Sport Airplane

ASTM Designation F2339–19a, Standard Practice for Design and Manufacture of Reciprocating Spark Ignition Engines for Light Sport Aircraft

ASTM Designation F3409–19, Standard Practice for Simplified Aircraft Loads Determination

Availability

ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959, copyrights these consensus standards. Individual reprints of a standard (single or multiple copies, or special compilations and other related technical information) may be obtained by contacting ASTM at this address, or at (610) 832–9585 (phone), (610) 832–9555 (fax), through *service@astm.org* (email), or via the ASTM website at *www.astm.org.* To inquire about standard content and/or membership or about ASTM International Offices abroad, contact Joe Koury, Staff Manager for Committee F37 on Light-Sport Aircraft: (610) 832–9804, *jkoury@astm.org.*

Issued in Washington, DC on February 16, 2022.

Brian E. Cable,

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

[FR Doc. 2022–03775 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0126]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Financial Responsibility Motor Carriers, Freight Forwarders, and Brokers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The purpose of this ICR, titled ''Financial Responsibility Motor Carriers, Freight Forwarders, and Brokers,'' is to provide registered motor carriers, property brokers, and freight forwarders a means of meeting financial responsibility filing requirements. This ICR sets forth the financial responsibility documentation requirements for motor carriers, freight forwarders, and brokers as a result of the Agency's jurisdictional statutes.

DATES: Comments on this notice must be received on or before March 25, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. Lorenzo Allen, Lead Transportation Specialist, Office of Registration & Safety Information, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 385–2465, *lorenzo.allen@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Financial Responsibility Motor Carriers, Freight Forwarders, and Brokers.

OMB Control Number: 2126–0017.

Type of Request: Renewal.

Respondents: For-hire Motor Carriers, Brokers, and Freight Forwarders.

Estimated Number of Respondents: 200,147.

Estimated Time per Response: The estimated average burden per response for Form BMC–40 is 40 hours. The estimated average burden per response for forms BMC–34, 35, 36, 82, 83, 84, 85, 91, and 91X is 10 minutes per form. In addition, form BMC–32 takes 10 minutes.

Expiration Date: February 28, 2022.

Frequency of Response: Certificates of insurance, surety bonds, and trust fund agreements are required when the transportation entity first registers with FMCSA and then when such coverages are changed or replaced by these entities. Notices of cancellation are required only when such certificates of insurance, surety bonds, or trust fund agreements are cancelled. The BMC–40 is filed only when a motor carrier or freight forwarder seeks approval from FMCSA to self-insure its bodily injury and property damage (BI & PD) and/or cargo liability coverage.

Estimated Total Annual Burden: 49,439 hours.

Background: The Secretary of Transportation (Secretary) is authorized to register for-hire motor carriers of property and passengers under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The registration remains valid only as long as these transportation entities maintain, on file with FMCSA, evidence of the required levels of financial responsibility pursuant to 49 U.S.C. 13906. FMCSA regulations governing the financial responsibility requirements for these entities are found at 49 CFR part 387. The Secretary has delegated authority pertaining to these requirements to FMCSA. The information collected from these forms are summarized and displayed in FMCSA's Licensing and Information system.

Forms for Endorsements, Certificates of Insurance and Other Evidence of BI & PD Liability and Cargo Liability Financial Responsibility

Forms BMC–91 and BMC–91X, titled ''Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance,'' and Form BMC–82, titled ''Motor Carrier Bodily Injury Liability and Property Damage Liability Surety Bond Under 49 U.S.C. 13906,'' provide evidence of the required coverage for BI & PD liability. A Form BMC–91X filing is required when a carrier's insurance is provided by multiple companies instead of just one. Form BMC–34, titled ''Household Goods Motor Carrier Cargo Liability Certificate of Insurance,'' and Form BMC–83, titled ''Household Goods Motor Carrier Cargo Liability Surety Bond Under 49 U.S.C. 13906,'' establish a carrier's compliance with the Agency's cargo liability requirements. Only household goods (HHG) motor carriers and HHG freight forwarders are required to file evidence of cargo insurance with FMCSA. §§ 387.303T(c), 387.403T(c). Form BMC–90, titled ''Endorsement for Motor Carrier Policies of Insurance for Automobile Bodily Injury and Property Damage Liability Under Section 13906, Title 49 of the United States Code,'' and Form BMC–32, titled ''Endorsement for Household Goods Motor Carrier Policies of Insurance for Cargo Liability Under 49 U.S.C. 13906,'' are executed by the insurance company, attached to the BI & PD or cargo liability insurance policy, respectively, and forwarded to the motor carrier or freight forwarder.

Requirement To Obtain Surety Bond or Trust Fund Agreement

Form BMC–84, titled ''Broker's or Freight Forwarder's Surety Bond Under 49 U.S.C. 13906,'' and Form BMC–85, titled ''Broker's or Freight Forwarder's Trust Fund Agreement under 49 U.S.C. 13906 or Notice of Cancellation of the Agreement,'' are filed by brokers or freight forwarders to comply with the requirement that they must have a $75,000 surety bond or trust fund agreement in effect before FMCSA will issue property broker or freight forwarder operating authority registration.

Cancellation of Prior Filings

Form BMC–35, titled ''Notice of Cancellation Motor Carrier Insurance under 49 U.S.C. 13906,'' Form BMC–36, titled ''Motor Carrier and Broker's Surety Bonds under 49 U.S.C. 13906 Notice of Cancellation,'' and Form BMC–85, titled ''Broker's or Freight Forwarder's Trust Fund Agreement under 49 U.S.C. 13906 or Notice of Cancellation of the Agreement,'' can be used to cancel prior filings.

Self-Insurance

Motor carriers and freight forwarders can also apply to FMCSA to self-insure BI & PD and/or cargo liability in lieu of filing certificates of insurance or surety bonds with the FMCSA. Form BMC–40 is the application used by motor carriers to apply for self-insurance authority.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator.

[FR Doc. 2022–03779 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0089]

Agency Information Collection Activities; Renewal Information Collection Request: National Consumer Complaint Database

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. This renewal collection of information is for the

National Consumer Complaint Database (NCCDB), which is an online interface allowing consumers, drivers, and others to file complaints against unsafe and unscrupulous companies and/or their employees, including shippers, receivers, and transportation intermediaries, depending on the type of complaint. These complaints cover a wide range of issues, including but not limited to driver harassment, coercion, movement of household goods, financial responsibility instruments for brokers and freight forwarders, Americans with Disability Act (ADA) compliance, Electronic Logging Device (ELD), Entry-Level Driver Training (ELDT), Medical Review Officer (MRO), and Substance Abuse Professional (SAP) complaints. FMCSA requests approval to renew the ICR titled ''National Consumer Complaint Database'' covered by OMB Control Number 2126–0067 in order to continue to collect consumer complaint information so FMCSA can use this data to take enforcement action, better inform FMCSA policies for safer motor carrier operations, and improve consumer protection.

DATES: Comments on this notice must be received on or before March 25, 2022.

ADDRESSES: All comments should reference Federal Docket Management System Docket Number FMCSA–2021–0089. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs (OIRA), OMB. Comments should be addressed to the attention of the Desk Officer, DOT/FMCSA, and sent via email to *oira_submission@omb.eop.gov,* faxed to (202) 395–6974, or mailed to OIRA, OMB, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Donnice Wagoner, DOT, FMCSA, Commercial Enforcement Division/MC–SEI, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–8045, *Donnice.Wagoner@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

FMCSA maintains online information and resources to assist drivers, others in the motor carrier industry, and members of the general public in filing safety complaints regarding household goods (HHG) carriers, hazardous material (HM) carriers, property carriers, cargo tank facilities, passenger carriers, Electronic Logging Devices (ELD), Entry-Level Driver Training (ELDT) providers, Medical Review Officers (MRO) and Substance Abuse Professionals (SAP) reporting to the Agency's Drug and Alcohol Clearinghouse. There is also information pertaining to the filing of consumer complaints, particularly regarding HHG transportation and ADA compliance.[1] This online interface is known as the NCCDB. The NCCDB has contributed to safer motor carrier operations on our nation's highways by identifying carriers for investigations and improved consumer protection by ensuring moving companies use fair business practices. FMCSA uses the information collected in the NCCDB to monitor and induce non-compliant regulated entities to achieve and maintain compliance.

The NCCDB grew out of a telephone hotline known as the Safety Violation Hotline Service. Congress mandated this hotline in Section 4017 of the ''Transportation Equity Act of the 21st Century,'' Public Law 105–178, 112 Stat. 107, June 9, 1998. The Motor Carrier Safety Improvement Act of 1999, Public Law 106–159, 113 Stat. 1748, December 9, 1999, created FMCSA and section 213 of the Act expanded the Safety Violation Hotline Service to include a 24-hour operation. On August 10, 2005, Congress enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA–LU), Public Law 109–59, 119 Stat. 1144. Section 4214 of SAFETEA–LU requires DOT to create a system to record and log aggregate complaint information regarding violations of the Federal Motor Carrier Safety Regulations.

The NCCDB fulfills the requirements of these mandates. Complaints are accepted through the NCCDB in connection with other statutory mandates, including, but not limited to, protection of drivers against harassment and coercion under sections 32301(b) and 32911, respectively, of the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141, 126 Stat. 405. The NCCDB also accepts complaints from interested parties regarding third party intermediaries (brokers and freight forwarders) and their associated financial responsibility instruments.

Federal Register Notice and Summary of Public Comments Received

On September 3, 2021, FMCSA published a notice in the **Federal Register** announcing a renewal ICR pertaining to the NCCDB. 86 FR 49594 (September 3 notice). FMCSA sought public comment on the ICR, including (1) whether the proposed collection is necessary for the agency to perform its mission, (2) the accuracy of the estimated burden, (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information. Id. at 49595.

On September 7, 2021, a private citizen, MJ Thorne (Thorne), filed a comment in response to the September 3 notice. In the comments, Thorne suggested that the database include ''a series for brokers who falsely give delivery dates, then hold carrier/driver hostage for days and refuse to pay layover or adequate layover. . . . [and] a category for receivers who likewise set appointments, then tell driver they won't get trailer back for days.'' Thorne also suggested that the database include ''a section for lumper violations.''

FMCSA is in the process of updating the NCCDB. The update will include the option for the system user to select broker allegations specific to property carriers when filing their complaint. FMCSA appreciates the suggestions regarding adding an NCCDB complaint category for receivers and lumpers; however, FMCSA is not currently considering those additions.

On September 17, 2021, a private citizen, Matt Schulz (Schulz) filed a comment in response to the September 3 Notice. In the comments, Schulz raised concerns about FMCSA's failure to timely respond to his complaint; and FMCSA's failure to investigate his complaint thoroughly.

FMCSA appreciates the comment; however, the comment does not pertain to this Information Collection Renewal request. FMCSA will strive to respond to every complaint promptly, thoroughly investigate all valid complaints, and initiate enforcement action when applicable.

On October 26, 2021, the Transportation Intermediaries Association (TIA) filed a comment (TIA comment) in response to the September 3 Notice. TIA raised concerns about FMCSA's lack of enforcement for unlawful brokerage activities. TIA indicated that it ''knows of several dozen complaints that have been reported to the Agency through the NCCDB for unlawful brokerage activities, with no enforcement action taken.'' TIA comment, at 3–4. TIA recommended that the ''Agency amend the user interface for the NCCDB to make it easier for folks to file complaints with the Agency.'' Id. at 4. TIA noted that ''there is not a place for licensed property brokers to easily

[1] DOT maintains reporting and other requirements for over-the-road buses under its ADA regulations. (For a complete listing of the DOT's ADA regulations, see 49 CFR parts 37 and 38.)

identify areas to make a complaint.'' Id. Additionally, TIA stated that it ''stands ready to work with the Agency to make the NCCDB a useful tool to identify bad actors whether it be a motor carrier, a broker, or another entity, and use that information to take the necessary enforcement action.'' Id.

As previously mentioned, FMCSA is in the process of updating the NCCDB to include its interface. FMCSA is hopeful that the update to the interface will make it easier for system users to file complaints in the NCCDB. The update will also include the option for the system user to select broker allegations specific to property carriers when filing their complaint. FMCSA will strive to respond to every complaint promptly, thoroughly investigate all valid complaints, and initiate enforcement action when applicable.

On November 2, 2021, the Owner-Operator Independent Drivers Association, Inc (OOIDA) filed a comment (OOIDA comments) in response to the September 3 Notice. In its comments, OOIDA acknowledged that the ''Information Collection Request is necessary for the agency to perform its mission. . .'' OOIDA comments, at 2. However, OOIDA indicated that ''[a]s currently administered, the NCCDB is an inadequate outlet for drivers to report harassment, coercion, and other violations of commercial regulations.'' Id. at 1. Moreover, OOIDA raised concerns about the Agency's response to complaints, insufficient follow-up with drivers after filing complaints, the ambiguity of the name ''National Consumer Complaint Database,'' and FMCSA's lack of outreach to drivers informing them about the NCCDB. Id. at 1–2. Finally, OOIDA ''encourage[d] FMCSA to collaborate with GAO so overdue changes to the NCCDB can be made as soon as possible.'' Id. at 2.

As previously mentioned, FMCSA is in the process of updating the NCCDB. FMCSA is hopeful that the update will improve the adequacy of the database and allow drivers to report harassment, coercion, and additional violations of commercial regulations. FMCSA is not currently considering changing the National Consumer Complaint Database's name. The National Consumer Complaint Database, commonly referred to as the NCCDB, is a well-known and highly frequented database that consumers, brokers, motor carriers, and industry personnel use. In 2021, the database received over 18,000 complaints. Therefore, FMCSA does not believe that there is a stakeholder awareness problem due to the name of the database. FMCSA looks forward to continuing to hear OOIDA's perspective on the name of the database and categories within it and will strive to respond to every complaint promptly, thoroughly investigate all valid complaints, and initiate enforcement action when applicable.

FMCSA looks forward to continuing to work with stakeholders on issues related to the NCCDB.

Title: National Consumer Complaint Database.

OMB Control Number: 2126–0067.

Type of Request: Information collection request renewal.

Respondents: Consumers, Drivers, and Other Participants in the Motor Carrier Industry.

Estimated Number of Respondents: 18,546.

Estimated Time per Response: 15 minutes.

Expiration Date: February 28, 2022.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 4,638 hours [18,546 respondents × 1 response per respondent × 15 minutes per response = 4,638]. Note that estimates may not match exactly due to rounding.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87.

Thomas P. Keane,

Associate Administrator.

[FR Doc. 2022–03781 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2021–0115]

Pipeline Safety: Information Collection Activities, Gas and Liquid Pipeline Safety Program Performance Progress Report

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection request abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comment. A **Federal Register** notice with a 60-day comment period soliciting comments on the information collection was published on December 15, 2021.

DATES: Interested persons are invited to submit comments on or before March 25, 2022.

ADDRESSES: The public is invited to submit comments regarding this information collection request, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503. Comments can also be submitted electronically at *www.reginfo.gov/public/do/PRAMain.*

FOR FURTHER INFORMATION CONTACT: Angela Hill by email at *angela.dow@dot.gov.*

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. In accordance with this regulation, on December 15, 2021, (86 FR 71317) PHMSA published a **Federal Register** notice with a 60-day comment period soliciting comments on the information collection. PHMSA received no comments in response to this information collection request. This notice identifies the information collection request that PHMSA will submit to the OMB for approval.

The following information is provided below for the impacted information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection.

PHMSA will request a three-year term of approval for the following information collection:

Title: Gas Pipeline Safety Program Performance Progress Report and Hazardous Liquid Pipeline Safety Program Performance Progress Report.

OMB Control Number: 2137–0584.

Current Expiration Date: 03/31/2022.

Abstract: Section 60105 of 49 U.S.C. sets forth specific requirements a state must meet to qualify for certification status to assume regulatory and enforcement responsibility for intrastate

pipelines. A state must submit an annual performance progress report to validate responsibility for regulating intrastate pipelines, and states who receive federal grant funding must also show the state has adequate damage prevention plans and associated records in place.

PHMSA uses this information to evaluate a state's eligibility for federal grants and to enforce regulatory compliance. This information collection request requires a participating state to annually submit a Gas Pipeline Safety Program Performance Progress Reports and/or a Hazardous Liquid Pipeline Safety Program Performance Progress Report to PHMSA's Office of Pipeline Safety showing compliance with the terms of the certification and to maintain records detailing a damage prevention plan. The purpose of the collection is to exercise oversight of the grant program and to ensure that states are compliant with federal pipeline safety regulations.

PHMSA intends to request renewal of this information collection and to make minor, editorial changes to instructions and definitions sections of Gas Pipeline Safety Program Performance Progress Report and a Hazardous Liquid Pipeline Safety Program Performance Progress Report in order to update and clarify how participating state agencies should report the required information.

Affected Public: State and local governments.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 117.

Total Annual Burden Hours: 4,473.

Frequency of Collection: Annually.

Comments to Office of Management and Budget are invited on:

(a) The need for the proposed information, including whether the information will have practical utility in helping the agency to achieve its pipeline safety goals;

(b) The accuracy of the agency's estimate of the burden of the proposed collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on February 17, 2022, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking Division.

[FR Doc. 2022–03800 Filed 2–22–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

On February 17, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Individual

1. OROZCO RODRIGUEZ, Sergio Armando (a.k.a. ''CHOCHO''), Puerto Vallarta, Jalisco, Mexico; DOB 16 Feb 1967; POB Guadalajara, Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. OORS670216HJCRDR04 (Mexico) (individual) [ILLICIT–DRUGS–E.O.]. Sanctioned pursuant to section 1(b)(iii) of Executive Order 14059 of December 15, 2021, ''Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,'' for being owned, controlled, or directed by, or to have acted or purported to act for or on behalf of, directly or indirectly, CARTEL DE JALISCO NUEVA GENERACION (a.k.a. CJNG), a sanctioned person.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–03811 Filed 2–22–22; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

[TREAS–DO–2022–0004]

Agency Information Collection Activities; Proposed Collection; Comment Request; Prohibition on Funding of Unlawful internet Gambling

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice, request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collection listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, online using *https://www.regulations.gov* (our preferred method). Search for Docket ID No. TREAS–DO–2022–0004 and follow the instructions for commenting. Alternatively, comments may be sent by email to *PRA@treasury.gov.* Please include reference to the OMB Control No. 1505–0204 and Docket ID No. TREAS–DO–2022–0004 in your comment.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. Requests for additional information or a copy of the collection may be obtained at *Regulations.gov* or by contacting:

Treasury: Jeffrey C. King, Senior Counsel (Banking and Finance), (202)

622–1978 or *PRA@treasury.gov,* U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

Treasury invites public comment on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve'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.

Comments submitted in response to this notice will be shared between the Agencies. All comments received, including attachments and other supporting materials, are part of the public record and will be included in the submission to the Office of Management and Budget (OMB).

Title: Prohibition on Funding of Unlawful Internet Gambling.

OMB Control Number: 1505–0204.

Type of Review: Extension of a currently approved collection.

General Description of Report: The Unlawful internet Gambling Enforcement Act requires the Treasury and the Federal Reserve Board (the ''Agencies'') to prescribe regulations requiring designated payment systems and all participants to identify and block unlawful internet gambling transactions through the establishment of reasonably designated policies and procedures. The Agencies have published a regulation that requires designated payment systems and all participants to establish and implement written policies and procedures. The share of the burden attributable the Treasury is listed below, while the share attributable to the Federal Reserve Board is accounted for under OMB Control No. 7100–0317.

Form Number: None.

Affected Public: Businesses or other for-profit and not-for-profit organizations.

Estimated Number of Respondents: 6,038.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,038.

Estimated Time per Response: 8.05 hours.

Estimated Total Annual Burden Hours: 48,604.

(Authority: *44 U.S.C. 3501 et seq.*)

Dated: February 17, 2022.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2022–03835 Filed 2–22–22; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Request for Information Regarding Veterans Outdoor Recreation

AGENCY: Department of Veterans Affairs.

ACTION: Request for information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting information to assist in implementing the statutory requirements of the Veterans Comprehensive Prevention, Access to Care, and Treatment (COMPACT) Act of 2020. The COMPACT Act mandates VA to establish an interagency task force to be known as the Task Force on Outdoor Recreation for Veterans (Task Force). The Task Force will carry out its duties in consultation with appropriate veterans outdoor recreation groups, and through this request for information, VA seeks comments on various topics from these groups to help inform the work and ultimately the recommendations of the Task Force. This effort aligns with the Administration's America the Beautiful initiative, which seeks to improve opportunities for outdoor recreation and address inequitable access to nature and its benefits. Feedback from the public will also help inform the work ahead.

DATES: Comments must be received on or before March 25, 2022.

ADDRESSES: Comments may be submitted through *www.regulations.gov*. Comments should indicate that they are submitted in response to ''Notice of Request for Information Regarding Veterans Outdoor Recreation.'' Comments received will be available at *www.regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Maria D. Llorente, M.D., Deputy to the Assistant Under Secretary for Health, Patient Care Services, 12PCS, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420; 202–461–7800. This is not a toll-free telephone number.

SUPPLEMENTARY INFORMATION: Section 203 of the COMPACT Act, requires VA to establish the Task Force not later than 18 months after the date on which the national emergency declared by the President, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) with respect to the Coronavirus Disease 2019 (COVID–19), expires. The Task Force is responsible for identifying opportunities to formalize coordination between VA, public land agencies and partner organizations regarding the use of public lands and other outdoor spaces for facilitating health and wellness for veterans and their caregivers; it is also charged with identifying barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on public lands and other outdoor spaces and developing recommendations to better facilitate the use of public lands and other outdoor spaces for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans. The Task Force will be composed of representatives from VA; the Departments of Interior, Health and Human Services, Agriculture, Defense and Homeland Security; the Army Corps of Engineers; at least two representatives from veterans service organizations; as well as others determined appropriate by VA. The Task Force is required to carry out its duties in consultation with appropriate veterans outdoor recreation groups. These would include organizations that provide adaptive sports opportunities; those that support veterans and their families and caregivers through outdoor recreational activities; those that offer outdoor recreation and nature experiences for overall health and well-being; and those that utilize outdoor recreation as an additional strategy to cope with posttraumatic stress disorder and other psychological sequelae of military service. Section 203 defines public lands to mean any recreational lands under the jurisdiction of the Federal Government or a State or local government.

Consultation With Interested Parties

The COMPACT Act requires VA to consult with appropriate veterans outdoor recreation groups to help inform the duties of the Task Force. This request for information will facilitate the consultation required by the COMPACT Act. Responses to this

request for information will be used to inform the work of the Task Force. VA invites individuals, groups and entities to reply to the questions presented below. Commenters are encouraged to provide complete but concise responses to the questions outlined below. Please note that VA will not respond to comments or other questions regarding policies, plans, decisions or issues regarding this notice; however, VA reserves the right to choose to contact individual commenters, and such communication would serve to further clarify their written comments. Comments received in response to this notice will be evaluated and, as appropriate, incorporated into the consultation provided to the Task Force for its duties under this law.

Request for Information

To accomplish the duties of the Task Force, consistent with and pursuant to section 203 of the COMPACT Act, the Secretary seeks information on the topics and issues listed below. Each responding group is requested to submit only one response. Please provide the name of your group or organization and contact information. Commenters do not need to address every question and should focus on those that relate to their expertise or perspectives. To the extent possible, please clearly indicate which topics and issues you address in your response.

A. Identify opportunities to formalize coordination between VA, public land agencies and partner organizations regarding the use of public lands and other outdoor spaces for facilitating health and wellness for veterans (section 203(d)(1)(A)).

1. Does your group offer veterans outdoor recreational activities locally, State-wide, regionally (*e.g.,* Southwestern United States) or nationally?

2. What types of outdoor recreational activities or experiences do you provide (*e.g.,* hiking, fly-fishing, sailing, hunting, skiing, rafting, rock climbing, etc.)? Does your organization provide adaptive sports and recreation for veterans with disabilities? Does your organization primarily serve a local town, city or comparable unit; State, region or the entire country?

3. Do you currently conduct programs on public lands such as national forests, national parks, national wildlife refuges, national recreation areas, other Federal or State lands or public parks? What is the form of your relationship with public land managers (*e.g.,* memorandum of understanding or agreement; permit; contract or other agreement; or something informal)?

4. Does your organization offer outdoor recreation with a focus on specific populations of veterans (*e.g.,* women, racial/ethnic minority, LGBTQ+ (lesbian, gay, bisexual, transgender, queer, plus), seniors, disabled, etc.)?

5. Does your organization offer outdoor recreation with a focus on veterans with specific health conditions (*e.g.,* paralyzed, spinal cord injured or other disability; visual impairments; mental illness; substance use disorders; chronic pain; etc.)? How are your staff members trained to address the needs of the veterans?

6. How many individual veterans are served by your group annually?

7. What types of outdoor recreation opportunities in public lands, specifically designed to enhance the overall health and wellness of veterans, would you like to see (provide a short description in 2–3 sentences)?

8. Does your group charge veterans fees to participate? Is your group registered in the System for Award Management (*www.sam.gov*)?

9. Does your group employ veterans to work with other veterans in these outdoor recreation activities?

10. Does your group include the families or caregivers of veterans in the recreational activities?

11. Does your group incorporate spiritual care as a component of the outdoor recreation experience?

12. Does your group utilize or include animals in outdoor activities (*e.g.,* equine therapy, service animals, etc.)? If so, please describe (provide a short description in 2–3 sentences).

13. How does your group communicate and execute outreach to veterans and/or their families and caregivers about your outdoor recreation activities?

14. Are you currently coordinating your outdoor recreation activities with a local VA medical facility or a local adaptive sports program that receives funding through VA's Grants for Adaptive Sports Programs for Disabled Veterans and Disabled Members of the Armed Forces Program? If not, have you tried to do so? If so, how were you able to do so (for example, a memorandum of understanding, grant, through volunteer services, etc.)?

15. How do you manage physical and emotional risks of veteran participants during program activities? How do you ensure safety? Is there any type of technical assistance or training that Federal agencies could offer to support your mission?

16. What tools do you use to evaluate the effectiveness of your program and veteran experiences with your program?

17. What outcomes has your program accomplished? Please describe.

18. How can coordination between VA and public land agencies or managers be strengthened? Are there examples that could be used as a model?

19. Does your organization have corporate sponsorships or partner with the sports or recreation industry? If so, how did you develop those relationships?

B. Identify barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on public lands and other outdoor spaces (section 203(d)(1)(B)).

1. What barriers have you experienced that make it challenging to provide veterans with outdoor recreation opportunities to augment their health and wellness with respect to public lands managed by the Federal Government? What specific measures would address these barriers and make nature-based or outdoor recreation programs more available on Federal public lands?

2. What barriers have you experienced that make it challenging to provide veterans with outdoor recreation opportunities to augment their health and wellness with respect to public lands managed by State governments? What specific measures would make nature-based or outdoor recreation programs more available on State public lands?

3. What barriers have you experienced that make it challenging to provide veterans with outdoor recreation opportunities to augment their health and wellness with respect to public lands managed by local governments? What specific measures would make nature-based or outdoor recreation programs more available on local public lands?

4. Are there other barriers that you or the veterans you serve have encountered that interfere with veterans' access to public lands?

5. Do you offer adaptive equipment for disabled veterans (*e.g.,* recumbent bicycles, hand cycles, sit-skis, etc.)? If yes, what type?

6. Are veterans required to sign liability waivers to participate in your activities?

7. Are there recreation activities/experiences your organization would like to offer but is currently unable to do so? If so, what are these activities, and what prevents you from being able to offer them?

C. Develop recommendations to better facilitate the use of public lands and other outdoor spaces for promoting

wellness and facilitating the delivery of health care and therapeutic interventions for veterans (section 203(d)(1)(C)).

1. What specific actions could the Task Force consider to better facilitate the use of public lands for promoting wellness to veterans?

2. Which health and therapeutic interventions for veterans should be prioritized and why?

3. How can VA and other Federal agencies better communicate the various types of programs that exist to support and facilitate veteran participation in wellness activities using public lands?

4. What type of research should VA and other Federal agencies carry out to address gaps in the evidence base on health outcomes related to outdoor recreation activities for veterans?

5. Is there any type of training or technical assistance that Federal agencies could provide to your organization to enhance or facilitate your group's ability to offer outdoor recreational activities and experiences to veterans and their families and caregivers?

6. Do you have any other suggestions or comments to facilitate the use of public lands by veterans and their families and caregivers? If so, please share them.

Signing Authority: Denis McDonough, Secretary of Veterans Affairs, approved this document on January 27, 2022 and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

[FR Doc. 2022–03734 Filed 2–22–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA), National Cemetery Administration (NCA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, notice is hereby given that the Department of Veterans Affairs (VA) is updating the system of records in its inventory entitled, ''Veterans and Dependents National Cemetery Gravesite Reservation Records'' VA (41VA41). This system contains information related to Veterans and their dependents who have made gravesite reservations with the National Cemetery Administration (NCA). VA is amending the system of records by revising the Purpose, Routine Uses of Records Maintained in the System, Safeguards, and Notification Procedure. VA is republishing the system notice in its entirety.

DATES: Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to ''Veterans and Dependents National Cemetery Gravesite Reservation Records VA'', (41VA41). Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Lakisha Wright, National Cemetery Administration (NCA) Privacy Officer (43E), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, telephone (202) 632–7216 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The system of records is in accordance with the Privacy Act requirement that agencies publish their amended system of records in the **Federal Register** when there is revision, change, or addition. VA's Office of National Cemetery Administration (NCA) has reviewed its systems of records notices and has determined its record system, ''Veterans and Dependents National Cemetery Interment Records VA'' (41VA41), should be amended to reflect evolving technology and procedures and to conform to current practice. The system of records is adding a Purpose Section. The Purpose Section more fully explains the mission of the National Cemetery Administration. The Safeguard section is being amended to list specific standards that will be applied to protect sensitive personal information. The Notification Procedures in the System is amended to reflect any individual who wishes to access information within system may submit a written request to the Privacy Officer. The purpose of the system of records includes but is not limited to providing a repository for military, personal, and administrative information that is collected, retrieved, and disclosed to authorized individuals related to pre-need eligibility determinations for burial in a VA national cemetery. Information contained in this system of records may also be used as an aggregate, non-personally identifiable set to track, evaluate, and report on local and national benefits initiatives, such as cemetery development and emerging burial needs. Information in this proposed system of records will be protected from unauthorized access through administrative, physical, and technical safeguards. Access to the hard copy and computerized information will be restricted to VA employees and VA contractors by means of PIV card and PIN, and/or passwords. Hard copy records will be maintained in offices that are restricted by cypher locks during work hours and locked after duty hours with security camera surveillance of the office area and facility. The VA facility is located in GSA-leased office space and is under the protection of the Department of Homeland Security.

VA is proposing the following routine use disclosures of information to be maintained in the system:

Congress: To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

Data breach response and remediation, for VA: To appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records, (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

Data breach response and remediation, for Another Federal agency: To another Federal agency or Federal entity, when VA determines that the information from this system of

records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

Law enforcement: To a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law, provided that the disclosure is limited to information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

DoJ for Litigation of Administrative Proceeding: To the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

(a) VA or any component thereof;

(b) Any VA employee in his or her official capacity;

(c) Any VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or

(d) The United States, where VA determines that litigation is likely to affect the agency or any of its components,

is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

Contractors: To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

OPM: To the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

EEOC: To the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

FLRA: To the Federal Labor Relations Authority (FLRA) in connection with: The investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised; matters before the Federal Service Impasses Panel; and the investigation of representation petitions and the conduct or supervision of representation elections.

MSPB: To the Merit Systems Protection Board (MSPB) in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

NARA: To the National Archives and Records Administration (NARA) in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

Funeral Homes, for Arrangements: To funeral directors or representatives of funeral homes in order for them to make necessary arrangements prior to and in anticipation of a Veteran's impending death.

Federal Agencies, for Research: To a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency.

Federal Agencies, for Computer Matches: To other federal agencies for the purpose of conducting computer matches to obtain information to determine or verify eligibility of Veterans receiving VA benefits or medical care under Title 38.

Federal Agencies, Courts, Litigants, for Litigation or Administrative Proceedings: To another federal agency, court, or party in litigation before a court or in an administrative proceeding conducted by a Federal agency, when the government is a party to the judicial or administrative proceeding.

Former Employee or Contractor, Representative, for EEOC: To a former VA employee or contractor, as well as the authorized representative of a current or former employee or contractor of VA, in connection with investigations by the Equal Employment Opportunity Commission pertaining to alleged or possible discrimination practices, examinations of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

Former Employee or Contractor, Representative, for MSPB: To a former VA employee or contractor, as well as the authorized representative of a current or former employee or contractor of VA, in proceedings before the Merit Systems Protection Board and the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as otherwise authorized by law.

Governmental Agencies, Health Organizations, for Claimants' Benefits: To Federal, state, and local government agencies and national health organizations as reasonably necessary to assist in the development of programs that will be beneficial to claimants, to protect their rights under law, and assure that they are receiving all benefits to which they are entitled.

In accordance with the Privacy Act, the notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director, Office of Management and Budget.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Neil C. Evans, M.D., Chief Officer, Connected Care, Performing the Delegable Duties of the Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on January 11, 2022 for publication.

Dated: February 17, 2022.

Amy L. Rose,

Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.

SYSTEM NAME AND NUMBER:

Veterans and Dependents National Cemetery Gravesite Reservation Records-VA (41VA41)

SECURITY CLASSIFICATION

Unclassified

SYSTEM LOCATION:

Records are maintained at the National Cemetery Administration

(41B), VA Central Office, Washington DC 20420.

SYSTEM MANAGER(S):

Lisa Pozzebon, Executive Director of Cemetery Operations (41A), National Cemetery Administration, VA Central Office, 810 Vermont Avenue NW, Washington, DC 20420, telephone (202) 461–9340.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38 U.S.C., Section 2402.

PURPOSE(S) OF THE SYSTEM:

The purpose for which the records are used will include but will not be limited to the provision of VA burial and memorial benefits; provision of information about VA burial and memorial benefits, including specific claims; determination of eligibility for burial in a VA national cemetery; disclosure of military service information upon request from VA-funded State and Tribal Veterans cemeteries; coordination of committal services and interment upon request of families, funeral homes, and others of eligible decedents at VA national cemeteries; investigation of potential bars to benefits for an otherwise eligible individual.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records contain information on Veterans, family members of Veterans, Members of the Armed Forces (Service members), family members of Service members, Reservists and Retirees (Active Duty; Reserves; or National Guard), and other VA customers (*e.g.,* attorneys, agents, Veterans Service Organizations, funeral directors, coroners, Missing in America Project (MIAP) volunteers, State and local governmental administrators, in addition to VA authorized users permitted by VA to access VA IT systems (*e.g.,* VA employees, VA contractors, VA registered volunteers).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include information submitted to VA by means of paper or online forms that respondents can mail or electronically transmit by fax or email for storage and retrieval in VA's secure filing and IT systems. Records may contain information, such as demographics and personal identifiers (*e.g.* names, mailing addresses, email addresses, phone numbers, social security numbers, VA claim numbers and military service numbers); socioeconomic characteristics (*e.g.,* date of birth, place of birth, date of death, gender, marital records; health records; health related information, benefit related information); military service information (*e.g.,* dates of active duty, dates of active duty for training, military service numbers, branch of service including Reserves or National Guard service, locations of service for National Guard, dates of entry, enlistment, or discharge, type and character of discharge, rank, awards, decorations, and other military history and information).

Records may also include supporting documentation submitted to identify individuals submitting pre-need applications on behalf of claimants. Supporting documentation may include, but is not limited to the following items: VA Form 21–22 (Appointment of Veterans Service Organization as Claimant's Representative), VA Form 21–22a (Appointment of Individual as Claimant's Representative) for an Authorized Attorney, or Agent; proof of prior written authorization, such as a durable power of attorney, or an affidavit establishing a caregiver relationship to the claimant (spousal, parent, other relative); and documentation showing the individual as the court-appointed representative authorized to act on behalf of as the claimant.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by Veterans; Veteran beneficiaries; members of the Armed Forces of the United States including Reserves and National Guard and their beneficiaries, as well as other individuals (such as funeral home directors) submitting eligibility determinations on behalf of claimants; VA employees; other VA authorized users (*e.g.,* Department of Defense), VA IT systems and databases; VA claims records; and official military records IT systems.

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

1. Congress: To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. Data breach response and remediation, for VA: To appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records, (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. Data breach response and remediation, for Another Federal Agency: To another Federal agency or Federal entity, when VA determines that the information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

4. Law enforcement: To a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law, provided that the disclosure is limited to information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

5. DoJ for Litigation of Administrative Proceeding: To the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

(a) VA or any component thereof;

(b) Any VA employee in his or her official capacity;

(c) Any VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or

(d) The United States, where VA determines that litigation is likely to affect the agency or any of its components,

is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

6. Contractors: To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to

accomplish an agency function related to the records.

7. OPM: To the Office of Personnel Management (OPM) in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

8. EEOC: To the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

9. FLRA: To the Federal Labor Relations Authority (FLRA) in connection with: The investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised; matters before the Federal Service Impasses Panel; and the investigation of representation petitions and the conduct or supervision of representation elections.

10. MSPB: To the Merit Systems Protection Board (MSPB) in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

11. NARA: To the National Archives and Records Administration (NARA) in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

12. Funeral Homes, for Arrangements: To funeral directors or representatives of funeral homes in order for them to make necessary arrangements prior to and in anticipation of a Veteran's impending death.

13. Federal Agencies, for Research: To a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency.

14. Federal Agencies, for Computer Matches: To other federal agencies for the purpose of conducting computer matches to obtain information to determine or verify eligibility of Veterans receiving VA benefits or medical care under Title 38.

15. Federal Agencies, Courts, Litigants, for Litigation or Administrative Proceedings: To another federal agency, court, or party in litigation before a court or in an administrative proceeding conducted by a Federal agency, when the government is a party to the judicial or administrative proceeding.

16. Former Employee or Contractor, Representative, for EEOC: To a former VA employee or contractor, as well as the authorized representative of a current or former employee or contractor of VA, in connection with investigations by the Equal Employment Opportunity Commission pertaining to alleged or possible discrimination practices, examinations of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

17. Former Employee or Contractor, Representative, for MSPB: To a former VA employee or contractor, as well as the authorized representative of a current or former employee or contractor of VA, in proceedings before the Merit Systems Protection Board and the Office of the Special Counsel (OSC) in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as otherwise authorized by law.

18. Governmental Agencies, Health Organizations, for Claimants' Benefits: To Federal, state, and local government agencies and national health organizations as reasonably necessary to assist in the development of programs that will be beneficial to claimants, to protect their rights under law, and assure that they are receiving all benefits to which they are entitled.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are maintained in paper and electronic formats in the NCA Field Program Office. Records are maintained on electronic storage media including magnetic tape, disk, and laser optical media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name only; name and one or more numbers (service or social security); name and one or more criteria (*e.g.,* date of birth or dates of service); VA claim number; or other VA or NCA assigned identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained in accordance with records retention standards approved by the Archivist of the United States, National Cemetery Records, NC1–015–85–14.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Information in the system is protected from unauthorized access through administrative, physical, and technical safeguards. Access to the hard copy and computerized information is restricted to authorized VA employees and VA contractors by means of PIV card and PIN, and/or passwords. Information security officers and system data stewards review and authorize data access requests. VA regulates data access with security software that authenticates users and requires individually unique codes and passwords. VA requires information security training for all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality. Hard copy records are maintained in offices that are restricted by cypher locks during work hours and locked after duty hours with security camera surveillance of the office area and facility.

RECORD ACCESS PROCEDURES:

Individuals seeking information on the existence and content of records in this system pertaining to them should contact the system manager in writing as indicated above. A request for access to records must contain the requester's full name, address, telephone number, be signed by the requester, and describe the records sought in sufficient detail to enable VA personnel to locate them with a reasonable amount of effort.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records in this system pertaining to them should contact the system manager in writing as indicated above. A request to contest or amend records must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record.

NOTIFICATION PROCEDURES:

Generalized notice is provided by the publication of this notice. For specific notice, see Record Access Procedure, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The SORN was published prior to 1995.

[FR Doc. 2022–03795 Filed 2–22–22; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 87 Wednesday,
No. 36 February 23, 2022

Part II

The President

Notice of February 18, 2022—Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Pandemic

Federal Register
Vol. 87, No. 36
Wednesday, February 23, 2022

Presidential Documents

Title 3—

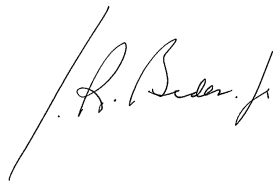
The President

Notice of February 18, 2022

Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Pandemic

On March 13, 2020, by Proclamation 9994, the President declared a national emergency concerning the coronavirus disease 2019 (COVID–19) pandemic. The COVID–19 pandemic continues to cause significant risk to the public health and safety of the Nation. For this reason, the national emergency declared on March 13, 2020, and beginning March 1, 2020, must continue in effect beyond March 1, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Proclamation 9994 concerning the COVID–19 pandemic.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
February 18, 2022.

[FR Doc. 2022–03972
Filed 2–22–22; 11:15 am]
Billing code 3395–F2–P

FEDERAL REGISTER

Vol. 87 Wednesday,
No. 36 February 23, 2022

Part III

The President

Executive Order 14065—Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to Continued Russian Efforts To Undermine the Sovereignty and Territorial Integrity of Ukraine

Federal Register
Vol. 87, No. 36
Wednesday, February 23, 2022

Presidential Documents

Title 3—

The President

Executive Order 14065 of February 21, 2022

Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to Continued Russian Efforts To Undermine the Sovereignty and Territorial Integrity of Ukraine

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13660 of March 6, 2014, and expanded by Executive Order 13661 of March 16, 2014, and Executive Order 13662 of March 20, 2014, and relied on for additional steps taken in Executive Order 13685 of December 19, 2014, and Executive Order 13849 of September 20, 2018, finding that the Russian Federation's purported recognition of the so-called Donetsk People's Republic (DNR) or Luhansk People's Republic (LNR) regions of Ukraine contradicts Russia's commitments under the Minsk agreements and further threatens the peace, stability, sovereignty, and territorial integrity of Ukraine, and thereby constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I hereby order:

Section 1. (a) The following are prohibited:

(i) new investment in the so-called DNR or LNR regions of Ukraine or such other regions of Ukraine as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State (collectively, the ''Covered Regions''), by a United States person, wherever located;

(ii) the importation into the United States, directly or indirectly, of any goods, services, or technology from the Covered Regions;

(iii) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, services, or technology to the Covered Regions; and

(iv) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or license or permit granted prior to the date of this order.

Sec. 2. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person (including any foreign branch) of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate or have operated since the date of this order in the Covered Regions;

(ii) to be or have been since the date of this order a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions;

(iii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order; or

(iv) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 3. The prohibitions in section 2 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 5. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

Sec. 6. (a) The unrestricted immigrant and nonimmigrant entry into the United States of noncitizens determined to meet one or more of the criteria in section 2 of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except where the Secretary of State or the Secretary of Homeland Security, as appropriate, determines that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State or the Secretary of Homeland Security, as appropriate, so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives.

(b) The Secretary of State shall implement this authority as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish.

(c) The Secretary of Homeland Security shall implement this order as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(d) Such persons shall be treated by this section in the same manner as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 7. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property

are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13660, expanded in Executive Orders 13661 and 13662, and further expanded by this order, and I hereby prohibit such donations as provided by section 2 of this order.

Sec. 8. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''person'' means an individual or entity;

(c) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term ''noncitizen'' means any person who is not a citizen or noncitizen national of the United States; and

(e) the term ''region of Ukraine'' includes the land territory in that region as well as any maritime area over which sovereignty, sovereign rights, or jurisdiction is claimed based on purported sovereignty over that land territory or area.

Sec. 9. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13660, expanded in Executive Orders 13661 and 13662, and further expanded by this order, there need be no prior notice of a listing or determination made pursuant to section 2 of this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

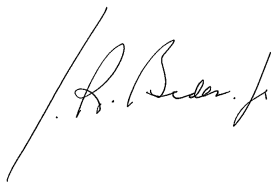
Sec. 11. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 21, 2022.

[FR Doc. 2022–04020
Filed 2–22–22; 11:15 am]
Billing code 3395–F2–P

Reader Aids

Federal Register

Vol. 87, No. 36

Wednesday, February 23, 2022

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

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
9425–10056 22
10057–10296 23

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
14065 10293
Administrative Orders:
Presidential Determinations:
Presidential Determination No. 2022–09 of Feb. 1, 2022 6759
Notices:
Notice of February 7, 2022 7677
Notice of February 18, 2022 10289

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
981 9455
985 8211
4284 8217

8 CFR

214 6017
274a 6017

9 CFR

Proposed Rules:
1 9880
2 9880
3 9880

10 CFR

2 8943
171 8943
Proposed Rules:
50 6434
170 10081
171 10081
429 ..... 5560, 6436, 6948, 7048
430 ..... 5742, 6786, 7396, 7758, 8745
431 ..... 5560, 6436, 6948, 7048

12 CFR

1003 8733
1081 10028
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, 9425, 9427, 9429, 9432, 9435, 9437, 10057, 10060, 10064
71 ..... 6406, 6408, 6409, 6410, 6412, 6413, 7715, 8408, 8410, 10067
97 ..... 6019, 6021, 10069, 10070
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, 10107, 10110, 10112, 10115
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

19 CFR

12 9439

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:
4 10119
10 6708
12 6708
16 6708
73 8222
203 ..... 6443, 6449
205 6708
820 10119

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

26 CFR

1 9445

27 CFR

5 7526
7 7526
16 8947

28 CFR

523 7938

29 CFR

1601 10072
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
744 9445

33 CFR

Ch. I 7716
Subch. N 7716
100 ..... 6026, 7716, 8413
117 ..... 5401, 7945, 9446
127 5660
165 ..... 6031, 7042, 7382, 7384, 7946, 8413, 8416, 9244, 9446, 9450
Proposed Rules:
100 ..... 5430, 8994
165 ..... 6450, 8472, 9462

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, 9452
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, 9463, 9475, 9477, 9484, 9498, 9516, 9533, 9545, 9597, 9798, 9838
55 7790
60 10134
63 ..... 6466, 7624, 10134
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, 9453
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
801 10158
802 10158
808 10158
816 10158
835 10158
852 10158

49 CFR

219 5719
383 6045
391 7756
571 ..... 7956, 7964, 9916
659 6783

50 CFR

17 ..... 5737, 6046, 6063, 8960, 8967, 8981
23 10073
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 22, 2022

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1*

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.