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

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0988; Airspace Docket No. 21–ANE–8]

RIN 2120–AA66

Establishment of Class E Airspace; Falmouth, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The Federal Aviation Administration (FAA) is correcting a final rule that appeared in the **Federal Register** on March 4, 2022, establishing Class E airspace for Falmouth Airpark, Falmouth, MA. This action corrects the legal description of the Class E airspace by correcting a typographical error in the geographic coordinates.

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.

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (87 FR 12393; March 4, 2022) for Docket FAA–2021–0988 establishing Class E airspace extending upward from 700 feet above the surface for Falmouth Airpark, Falmouth, MA. Subsequent to publication, the FAA identified a typographical error in the geographic coordinates listed in the airport description. This action corrects this error.

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 the FAA Order JO 7400.11.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, establishment of the Class E Airspace; Falmouth, MA, published in the **Federal Register** of March 4, 2022 (87 FR 12393), FR Doc. 2022–04544, is corrected as follows:

§ 71.1 [Corrected]

■ 1. On page 12394, in the first column, line 27, the geographic coordinates are corrected to read as follows: (Lat. 41°35′08″ N, long. 70°32′25″ W.)

Issued in College Park, Georgia, on March 21, 2022.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2022–06296 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 30

Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 20 of the Code of Federal Regulations, Parts 1 to 399, revised as of April 1, 2021, in § 30.403, remove the second paragraph (c) and paragraph (d).

[FR Doc. 2022–06497 Filed 3–24–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

Food Labeling

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 21 of the Code of Federal Regulations, Parts 100 to 169, revised as of April 1, 2021, in § 101.36, reinstate paragraph (e)(11)(viii) as follows:

§ 101.36 Nutrition labeling of dietary supplements.

* * * * *

(e) * * *

(11) * * *

(viii) Dietary supplement illustrating "per serving" and "per day" information (Includes voluntary listing of vitamin D in IUs)

Supplement Facts

Serving Size 1 Caplet
Servings Per Container 100

	Per Caplet		Per Day (3 Caplets)	
	Amount	% Daily Value	Amount	% Daily Value
Vitamin D (as cholecalciferol)	7 mcg (280 IU)	35%	21 mcg (840 IU)	105%
Calcium (as calcium citrate)	650 mg	50%	1950 mg	150%

Other ingredients: Hydroxypropylmethylcellulose (HPMC), microcrystalline cellulose, maltodextrin, and magnesium stearate.

* * * * *

[FR Doc. 2022–06495 Filed 3–24–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Taxes

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent an1nual revision of the Code of Federal Regulations.

■ In Title 26 of the Code of Federal Regulations, Part 1 (§§ 1.170 to 1.300), revised as of April 1, 2021, in section 1.263A–3, remove paragraphs (*i*), (*ii*), (*iii*), and (2)(B) that follow paragraph (a)(2)(iii).

[FR Doc. 2022–06498 Filed 3–24–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2022–0148]

Special Local Regulations; California Half Ironman Triathlon, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the California Half Ironman Triathlon special local regulations on the waters of Oceanside, California on April 2, 2022. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations in 33 CFR 100.1101 will be enforced from 6 a.m. through 10 a.m. on April 2, 2022, for the locations described in item 2 in table 1 of § 100.1101.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Commander John Santorum, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 for the California Half Ironman Triathlon in Oceanside, CA in 33 CFR 100.1101, for the locations described in table 1, item 2 of that section from 6 a.m. until 10 a.m. on April 2, 2022. This enforcement action is being taken to provide for the safety of life on navigable waterways during the event. The Coast Guard's regulation for recurring marine events in the San Diego Captain of the Port Zone identifies the regulated entities and area for this event. Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from anchoring, blocking, loitering, or impeding within this regulated area, unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: March 21, 2022.

T.J. Barelli,

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

[FR Doc. 2022–06289 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2022–0063]

Special Local Regulation; Fort Lauderdale Air Show, Atlantic Ocean, Fort Lauderdale Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Fort Lauderdale Air Show to provide for the safety of life on navigable waterways during this event. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulation in 33 CFR 100.702, Table 1 to § 100.702, Item 3, will be enforced from 9 a.m. to 6 p.m., each day from April 29, 2022 through May 1, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Mr. Omar Beceiro, Sector Miami Waterways Management Division, U.S. Coast Guard: Telephone: 305–535–4317, Email: *Omar.Beceiro@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a special local regulation in 33 CFR 100.702, Table 1 to § 100.702, Item 3, for the Fort Lauderdale Air Show, from 9 a.m. to 6 p.m., each day from Friday April 29, 2022 through Sunday May 1, 2022. The Coast Guard is taking this action to provide for the safety of life on navigable waterways during the event. Our regulation for recurring marine events, Sector Miami, 33 CFR 100.702, Table 1 to § 100.702, Item 3, specifies the location of the regulated area which encompasses a portion of Atlantic Ocean east of Fort Lauderdale Beach. Only event sponsor designated participants and official patrol vessels will be allowed to enter the regulated area. During the enforcement periods, as reflected in § 100.702, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

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

Dated: March 22, 2022.

J. F. Burdian,

Captain, U.S. Coast Guard, Captain of the Port Miami.

[FR Doc. 2022–06301 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2020–0658]

RIN 1625–AA09

Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the operating schedule that governs the 63rd Street Bridge, across Indian Creek, mile 4.0, at Miami Beach, FL. A request was made to place the drawbridge on a weekend operating schedule to assist with alleviating vehicle congestion due to on demand drawbridge openings. This change extends the operating schedule to the weekend, so that openings on the hour and half-hour will be required every day of the week, except Federal Holidays.

DATES: This rule is effective April 25, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type USCG–2020–0658 in the ''SEARCH'' box and click ''SEARCH. In the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have any questions on this rule, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District, telephone 305–415–6740, email *Jennifer.N.Zercher@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
FL Florida
FDOT Florida Department of Transportation
LNM Local Notice to Mariners

II. Background Information and Regulatory History

On December 3, 2020, the Coast Guard published a Test Deviation, with a request for comments, entitled Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL, in the **Federal Register** (85 FR 77994), to test this operating schedule for the 63rd Street Bridge. Thirty one comments were received during the test period and those comments were addressed in the NPRM.

On April 12, 2021, the Coast Guard published a Notice of Proposed Rulemaking entitled Drawbridge Operation Regulation; Indian Creek, Miami Beach, FL in the **Federal Register** (86 FR 18927). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended May 27, 2021, we received one comment which is addressed in Section IV of this Final Rule.

On June 24, 2021, the Coast Guard reopened the comment period in the **Federal Register** (86 FR 33153). There we stated why we reopened the comment period and invited comments on our proposed regulatory action related to this regulatory change. During the comment period that ended July 26, 2021, we received three hundred and thirteen comments, and those comments are addressed in Section IV of this Final Rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The 63rd Street Bridge across Indian Creek, mile 4.0, at Miami Beach, FL, is a double-leaf bascule bridge with an 11 foot vertical clearance at mean high water in the closed position. The operating schedule for the drawbridge is set forth in 33 CFR 117.293. Navigation on the waterway is commercial and recreational.

A private citizen, with the support from the bridge owner, Florida Department of Transportation (FDOT), requested the Coast Guard consider placing the drawbridge on a weekend operating schedule to assist with alleviating vehicle congestion due to on demand bridge openings. The bridge currently operates on a schedule during the weekdays. This change extends the operating schedule to the weekend. Openings on the hour and half-hour will be required every day of the week, including Saturday and Sunday.

IV. Discussion of Comments, Changes and the Final Rule

During the NPRM and the reopening of the NPRM comment period, three hundred and fourteen comments were received. One hundred and forty seven comments were in support of the proposed change but did not provide additional recommendations or opinions.

One hundred and nineteen comments were in support of the proposed change but requested additional restrictions be placed on the operation of the drawbridge. The additional restrictions included allowing the drawbridge to only open four times a day, only open once an hour, allow the drawbridge to remain closed to navigation at all times, limit the amount of time the drawbridge remained in the open to navigation position, extending the hours of the proposed schedule and removing the on demand openings completely. The Coast Guard recognizes that when the drawbridge opens to marine traffic, there is an interruption in vehicle traffic flow. However, the traffic congestion in the area surrounding the 63rd Street Bridge is not solely the result of the drawbridge's operation. We have the responsibility to ensure that drawbridges are operated so that they are a minimum obstruction to waterway traffic while taking into account all modes of transportation. In order to help reduce motor vehicle traffic delays and congestion, the Coast Guard has authorized the drawbridge to operate on a schedule during weekdays, and now have authorized the drawbridge to operate on this proposed weekend schedule. We made the determination that adding restrictions beyond the proposal will not meet the reasonable needs of navigation for this waterway. Vessels have only one way to transit through Indian Creek at this location. Other modes of transportation have alternate routes to travel around this waterway.

Six comments were received against the proposed weekend schedule. The commenters felt that the drawbridge is restricted enough during the weekday and boaters should continue to be able to request weekend openings on demand. The Coast Guard feels it reasonable to place the drawbridge on a weekend operating schedule to assist in alleviating vehicle congestion in the area.

Thirty four comments were received but did not provide an opinion on the proposed operating schedule. The comments were directed toward overall traffic congestion, roadway design, an increase in charter vessels, vessel wakes, noise from charter vessels, and general comments on the drawbridge not associated with the proposed operating schedule. The Coast Guard will provide these comments to the appropriate agency that has enforcement authority.

Six comments were duplicate entries and addressed above. Two were blank entries providing no opinions.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the drawbridge during the scheduled openings. Additionally, vessels capable of transiting the waterway without an opening may do so at any time.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1,

associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.293 by revising the introductory text and paragraph (a) to read as follows:

§ 117.293 Indian Creek.

The draw of the 63rd Street Bridge across Indian Creek, mile 4.0 at Miami Beach, FL, shall open on signal except that:

(a) Each day from 7 a.m. to 7 p.m., except Federal holidays, the draw need open only on the hour and half-hour;

* * * * *

Dated: March 17, 2022.

Brendan C. McPherson,

Rear Admiral, U.S. Coast Guard, Commander Seventh Coast Guard District.

[FR Doc. 2022–06288 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0215]

RIN 1625–AA00

Safety Zone for Pollution Responders; Neva Strait, Sitka, AK

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 100-yard radius of oil spill recovery vessels in Neva Strait. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by pollution response efforts. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Southeast Alaska.

DATES: This rule is effective without actual notice from March 25, 2022 twenty-four hours per day until 6 p.m. on March 27, 2022. For the purposes of enforcement, actual notice will be used from noon on March 21, 2022 until March 25, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0215 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Jesse Collins, Waterways Management Division, U.S. Coast Guard; telephone 907–463–2846, email *Jesse.O.Collins@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because a vessel ran aground, causing a significant oil spill, and immediate action is needed to respond to the potential safety hazards associated with pollution response efforts. It is impracticable to publish an NPRM because we must establish this safety zone by March 21, 2022.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with pollution response efforts in Neva Strait.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Southeast Alaska (COTP) has determined that potential hazards associated with pollution response efforts starting March 21, 2021, will be a safety concern for anyone within a 100-yard radius of oil spill recovery vessels in Neva Strait. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone for the duration of pollution response efforts.

IV. Discussion of the Rule

This rule establishes a safety zone effective twenty-four hours per day until 6 p.m. on March 27, 2022. The safety zone will cover all navigable waters within 100 yards of vessels and machinery being used by personnel to respond to a significant oil spill. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters for the duration of pollution response efforts. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit through the safety zone which would impact a small designated area of Neva Strait. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessel to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting twenty-four hours per day that will prohibit entry within 100 yards of vessels and machinery being used by personnel to respond to a significant oil spill. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAGIVATION AREAS AND LIMITED ACCESS AREAS.

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

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

■ 2. Add § 165.T17–0215 to read as follows:

§ 165.T17–0215 Safety Zone for Pollution Responders; Neva Strait, Sitka, AK.

(a) *Location.* The following area is a safety zone: All waters of Neva Strait with a 100-yard radius of oil spill recovery vessels.

(b) *Definitions.* (1) Captain of the Port (COTP) means the Commander, U.S. Coast Guard Sector Juneau.

(2) As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the COTP Southeast Alaska in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of

this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 907–463–2980 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The designated representative on-scene can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz).

(3) Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

Dated: March 21, 2022.

D.A. Jensen,

Captain, U.S. Coast Guard, Captain of the Port Southeast Alaska.

[FR Doc. 2022–06453 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 220, 222, 223, and 224

[Docket No. 2021–6]

Copyright Claims Board: Initiating of Proceedings and Related Procedures

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is amending its regulations to establish procedures governing the initial stages of a Copyright Claims Board proceeding. The regulations provide requirements regarding filing a claim, the Board's compliance review, service, notice of the claim, the respondent's opt-out election, responses, and counterclaims.

DATES: Effective April 25, 2022.

FOR FURTHER INFORMATION CONTACT: Megan Efthimiadis, Assistant to the General Counsel, by email at *meft@copyright.gov,* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

The Copyright Alternative in Small-Claims Enforcement (''CASE'') Act of 2020 [1] directs the Copyright Office to establish the Copyright Claims Board (''CCB''), a voluntary forum for parties seeking resolution of certain copyright disputes that have a total monetary value of $30,000 or less. The CCB is an alternative forum to federal court and is designed to be accessible to *pro se* individuals and individuals without much formal exposure to copyright.[2] The Office published a notification of inquiry (''NOI'') asking for public comments on the CCB's operations and procedures.[3]

Following the NOI, the Office published a notice of proposed rulemaking (''NPRM''), proposing rules governing the initiation of proceedings before the CCB and related procedures.[4] These rules addressed filing a claim, the CCB's review of the claim to ensure that it complies with the relevant statutory requirements and regulations (''compliance review''), service, notice of the claim, the respondent's ability to opt out, the response, and counterclaims.[5]

The Office sought public input concerning its proposals for the initiation of proceedings and related procedures and received 186 responsive comments. The Office addresses these comments along with changes made to the proposed rule below.

II. Final Rule

A. Fees

1. Fee for Filing a Claim

The CASE Act provides that the sum total of any filing fees, including the fee to commence a proceeding, may not exceed the cost to file an action in federal district court (currently $402 [6]) but may not be less than $100.[7] In the NPRM, the Office noted that the CASE Act's Senate Report proposed ''that the Office consider a two-tiered fee structure, with an initial fee assessed when the claim is filed and a second fee assessed after the claim becomes active.'' [8] At that time, the Office declined to institute a two-tiered fee system, under the theory that where a ''claimant did not move on to the second tier, the total filing fees would not reach the statutory floor.'' [9] Accordingly, a single filing fee of $100 to commence a proceeding was proposed. However, the Office invited comments on the advisability of a two-tiered fee system and whether the Office has the authority to institute such a system under the CASE Act.

Commenters overwhelmingly supported a two-tiered fee system.[10] They offered many practical arguments, including that an upfront fee of $100 may be cost-prohibitive for many claimants, especially when respondents subsequently opt out of the proceeding, and that a two-tiered system would increase participation by minimizing the loss to a claimant where a respondent opts out before a proceeding becomes active.[11] Commenters suggested setting the first fee in the range of $10 to $55, with many suggesting the first fee should be around $25.[12] Others did not take a position on a single fee or two-tiered approach, but suggested reducing the filing fee to less than $100.[13]

[1] Public Law 116–260, sec. 212, 134 Stat. 1182, 2176 (2020).

[2] *See, e.g.,* H.R. Rep. No. 116–252, at 18–20 (2019); S. Rep. No. 116–105, at 7–8 (2019).

[3] 86 FR 16156 (Mar. 26, 2021). Comments received in response to the March 26, 2021 NOI are available at *https://www.regulations.gov/document/COLC-2021-0001-0001/comment.*

[4] 86 FR 53897 (Sept. 29, 2021). Comments received in response to the September 29, 2021 NPRM are available at *https://www.regulations.gov/docket/COLC-2021-0004/comments.* References to these comments are by party name (abbreviated where appropriate), followed by ''Initial NPRM Comments'' or ''Reply NPRM Comments,'' as appropriate.

[5] 86 FR 53897.

[6] The statutory fee for filing suit in a federal district court is $350, 28 U.S.C. 1914(a), and an additional fee of $52 is charged as an administrative fee by the Judicial Conference of the United States. *Id.*

[7] 17 U.S.C. 1510(c).

[8] 86 FR 53904 (citing S. Rep. No. 116–105, at 4 n.4).

[9] *Id.*

[10] *But cf.* Michael Bynum Initial NPRM Comments at 1 (not mentioning the two-tiered vs. single-tier choice, but stating that he was ''comfortable'' with a $100 fee and that it was ''reasonable'').

[11] *See, e.g.,* Copyright Alliance, ACT √ App Ass'n, Am. Photographic Artists, Am. Soc'y for Collective Rights Licensing, Am. Soc'y of Media Photographers, The Authors Guild, CreativeFuture, Digital Media Licensing Ass'n, Graphic Artists Guild, Indep. Book Pubs. Ass'n, Music Artists Coalition, Music Creators N. Am., Nat'l Press Photographers Ass'n, N. Am. Nature Photography Ass'n, Prof. Photographers of Am., Recording Academy, Screen Actors Guild-Am. Fed. of Television and Radio Artists, Soc'y of Composers & Lyricists, Songwriters Guild of Am., & Songwriters of N. Am. (''Copyright Alliance et al.'') Initial NPRM Comments at 8–11; Am. Intell. Prop. L. Ass'n (''AIPLA'') Initial NPRM Comments at 3; The Authors Guild Reply NPRM Comments at 1–2; Mark Reback Initial NPRM Comments at 1; Jay Foster Initial NPRM Comments at 1.

[12] *See, e.g.,* AIPLA Initial NPRM Comments at 3 ($35–55); Authors Guild Reply NPRM Comments at 1–2 ($25–35); Ryan Conners Initial NPRM Comments at 1 ($25); Ricky Jackson Initial NPRM Comments at 1 ($25); Sylvia Phipps Initial NPRM Comments at 1 ($25); Anonymous Reply NPRM Comments at 3 ($50); Sydney Krantz Initial NPRM Comments at 1 ($25); Donna Barr Initial NPRM Comments at 1 ($15); Ritterbin Photography Initial NPRM Comments at 1 ($25); Lisa Shaftel Initial NPRM Comments at 5 ($25); Suriya Ahmer Initial NPRM Comments at 1 ($25); Mark Woodward Reply NPRM Comments at 1 ($20–25); Hans Rupert Initial NPRM Comments at ($10).

[13] *See, e.g.,* John Long Initial NPRM Comments at 1; 9TH Eye in The Quad Productions Initial NPRM Comments at 1; c, z Initial NPRM Comments at 1; Cherry Wood Initial NPRM Comments at 1; Charlotte Cotton Initial NPRM Comments at 1; Dan Milham Initial NPRM Comments at 1; Gareth Hinds Initial NPRM Comments at 1; K Muldoon Initial NPRM Comments at 1; Bree McCool Photography Initial NPRM Comments at 1; Linda Langford Initial NPRM Comments at 1; Angela Jarman Initial NPRM Comments at 1.

Two comments, reflecting the views of multiple commenters, offered their analysis of the CASE Act permitting a two-tiered fee. As the Office noted in the NPRM, the CASE Act expressly refers to two separate ''filing fees,'' including the fee to commence a proceeding and the fee for the Register's review.[14] While the Act does not state that these are the only fees that may be assessed, the Office interpreted 17 U.S.C. 1510(c) as dictating the ''upper and lower limits to the filing fees it may assess,'' and that the section requires a ''statutory minimum'' filing fee of $100.[15] The Copyright Alliance et al. challenged the Office's reading of 1510(c), stating that that provision is not ''instructive of how much the Office must actually receive in fees each time a claimant commences a claim,'' but instead is ''instructing the Register on how to set the fee schedule in the regulations.'' [16] AIPLA looked at the statutory text, which states that the total of all fees ''including,'' but not limited to, the fee for commencing a proceeding must equal at least $100 to conclude that ''[r]ather than a bottom limit on the initial filing fee, the Act sets a $100 minimum on the 'sum total of such filing fees[.]' '' [17]

Upon careful evaluation of the statute and the submitted comments, the Office is amending the proposed rule to include a two-tiered fee system, with a first payment of $40 due upon filing and a second payment of $60 due once a proceeding becomes active. Under the two-tiered approach adopted in this final rule, the ''sum total'' of all ''filing fees'' will be at least $100 and no more than $402, satisfying the requirements of section 1510(c).

In adopting a two-tiered fee, the Office is informed in part by the statutory analysis offered by AIPLA and the Copyright Alliance et al. as well as its own reading of the statute. The Office believes that the CASE Act does not establish a minimum initial fee to commence a proceeding, so long as the sum total of all filing fees set by the Office meets the statutory requirements, including that the total fees are not less than $100. It is clear from the statute, and as noted in the NPRM,[18] that the $100 minimum applies not to the fee that accompanies the filing of a claim, but rather to the ''sum total'' of whatever filing fees are prescribed in regulations established by the Register. Therefore, while under the statute, the combined total of all filing fees that may be assessed must be at least $100, the statute does not require that each claimant pay $100 at the outset before a proceeding becomes active.

Additionally, the Office agrees with commenters that a two-tiered fee system furthers the goals of the CCB, a factor the statute directs the Office to consider when setting filing fees.[19] As noted by the Copyright Alliance et al.,[20] the CASE Act's Senate Report counsels that filing fees should not be set so high as to discourage potential claimants from using the CCB to resolve their disputes, knowing that when respondents exercise their right to opt out it will result in the claimants' loss of the filing fees.[21] The two-tiered fee system reduces the financial outlay to institute a proceeding. Requiring payment of a filing fee of $100 when respondents may yet opt out could cause potential claimants to conclude that bringing a claim before the CCB is too great a financial risk. A chief objective of the CASE Act is to provide a forum that is ''accessible especially for *pro se* parties and those with little prior formal exposure to copyright laws who cannot otherwise afford to have their claims and defenses heard in federal court.'' [22] This fundamental goal is not served if the fee to commence a proceeding, which risks being lost if the respondent opts out, serves as too high a barrier to the filing of genuine claims.

The Office has set the amount of the first payment at $40 and the second payment at $60 for many reasons. First, a $40/$60 split keeps the overall fee at $100, meaning that the published total filing fee will, by itself, fulfill the statutory requirement of having total filing fees be at least $100. Second, Congress suggested that if a two-tiered system was created, ''the initial filing fee itself should be smaller than the fee charged later when a proceeding becomes active.'' [23] Third, in most cases that reach active proceeding status, much more of the work required by the CCB will occur after the proceeding becomes active, meaning that it makes sense to have the second fee higher than the first as opposed to a $50/$50 split. Fourth, while the Office received many comments asking for a two-tiered system, almost none of those commenters expressed any issue with the total of the two tiers equaling $100.[24] Fifth, as expressed above, the $40 fee fits squarely within the general range of prices suggested by commenters for the first payment. And, sixth, the first payment should not be so low that it does not have a deterrent effect on purely frivolous claims, a concern expressed in the Office's original study leading to the CASE Act (recommending a filing fee in order to ''discourage spurious claims'').[25]

The Office notes that the $40/$60 split represents the Office's best estimate of proper first and second payments given the information available. Should the Office determine after the benefit of experience that a different split makes sense (*e.g.,* if the current first payment amount does not appear to be sufficiently high to deter frivolous claims), it will engage in a new rulemaking process at that time.

Implementation of this fee system requires additional regulations concerning, for example, the timing of the second payment and the consequences of the failure to make that payment. These regulations are described in more detail below.

2. Fee for Counterclaims

The Office did not include a fee for filing counterclaims in the proposed rule based on the lack of express statutory authorization for counterclaim fees and the fact that federal district courts do not charge fees for counterclaims, but it invited comments.[26] The Office received two comments on this issue. The Copyright Alliance et al. agreed that there should not be a filing fee for counterclaims since ''the CCB is intended to be an affordable alternative to federal court'' and federal courts do not charge a fee for bringing counterclaims.[27] AIPLA recommended instituting such a fee to defray the costs of the CCB checking counterclaims to make sure they are compliant with the rules and to deter the filing of frivolous counterclaims, noting that other administrative forums, including the Trademark Trial and Appeal Board, charge fees for counterclaims.[28] Upon consideration of these comments, the Office has decided not to include a fee for filing counterclaims in the final rule.

[14] 86 FR 53904 (citing 17 U.S.C. 1506(e), (x)).

[15] *Id.*

[16] Copyright Alliance et al. Initial NPRM Comments at 9 (emphasis omitted).

[17] AIPLA Initial NPRM Comments at 3 (citing 17 U.S.C. 1510(c)).

[18] 86 FR 53904.

[19] 17 U.S.C. 1510(c).

[20] Copyright Alliance et al. Initial NPRM Comments at 10 (quoting S. Rep. No. 116–105, at 4).

[21] S. Rep. No. 116–105, at 4.

[22] H.R. Rep. No. 116–252, at 17.

[23] S. Rep. No. 116–105, at 4.

[24] *But see* The Authors Guild Reply NPRM Comments at 1–2.

[25] U.S. Copyright Office, *Copyright Small Claims* 122 & n.849 (2013), *https://www.copyright.gov/docs/smallclaims/usco-smallcopyrightclaims.pdf* (''Copyright Small Claims'').

[26] 86 FR 53904.

[27] Copyright Alliance et al. Initial NPRM Comments at 11; Copyright Alliance et al. Reply NPRM Comments at 10–11.

[28] AIPLA Initial NPRM Comments at 3.

A. Initiating a Claim

The NPRM included proposed regulations on initiating claims before the CCB.[29] These regulations contemplated that claims would be submitted on a fillable form provided on the CCB's electronic filing system, called ''eCCB.'' The claim form would include certain key information about the claim, such as the identity of the parties, the type of claim asserted, the harm experienced, and other relevant facts.[30] The Office received comments on the claim initiation process, discussed below. The Office also has endeavored to standardize the requirements for claims and counterclaims, where applicable.

1. Pleading Requirements

Commenters were split regarding whether they believed the pleading requirements for claims in the proposed rule were too burdensome or too lenient. In suggesting the rule was too lenient, New Media Rights questioned whether the pleading requirements were sufficient to place respondents on notice of the details of the claim,[31] and two commenters suggested that the Office include a mechanism for respondents to request additional information before deciding whether to opt out.[32] The Science Fiction and Fantasy Writers of America, Inc. (''SFWA''), suggested that the rule was too burdensome, and that the pleading requirements in the proposed rule were too complex and could deter claimants from filing claims, especially without the assistance of an attorney.[33]

The Office intends the pleading requirements to represent a balance between claimants' and respondents' needs. The appropriate balance will ensure that a claim provides sufficient information to allow a respondent to make a meaningful assessment of whether to opt out or to proceed before the CCB, while not overly burdening the claimant. Though claimants are required to provide a fair amount of detail, the Office plans to make educational materials, such as the CCB Handbook, available to explain the pleading requirements while minimizing legal jargon. Furthermore, eCCB has been designed to provide guidance to claimants concerning what information they are required to provide via a fillable online form. Copyright Claims Attorneys will also be available to answer questions and provide guidance. If a Copyright Claims Attorney determines during the claim's compliance review that it does not provide sufficient information to place a respondent on notice, the CCB will order the claimant to provide more detail before allowing the claim to proceed. Additionally, the Office has included language in the final rule enabling parties to jointly request an extension of the opt-out period, as discussed below. Though the CCB ultimately must approve such requests, an extension may give the respondent additional time to approach the claimant during the opt-out period and request more information to determine whether to proceed or opt out.

Commenters noted that the proposed rule did not include a requirement that claimants seeking a declaration of noninfringement plead any facts alleging the existence of a dispute or controversy, as is required for declaratory judgments.[34] The Office has added this requirement to the final rule.

Additionally, two commenters suggested that the requirement that claimants describe and estimate the ''monetary harm suffered'' [35] was too limiting, since some claimants may seek statutory damages, profits, or no damages at all.[36] The final rule broadens this language, requiring that claimants describe the harm they have suffered due to the alleged activity and the relief they are seeking, which may include an estimate of such relief. Though the NPRM included this as a requirement for all three types of claims, the final rule only includes it as a requirement for infringement and misrepresentation claims, since damages are not available for noninfringement claims.

One commenter suggested that claimants be permitted to serve a settlement demand, akin to an offer of judgment under Rule 68 of the Federal Rules of Civil Procedure, along with the claim, so that a respondent would have a choice between opting out, responding and participating in the proceeding, or settling. The commenter believed that this could also increase participation in CCB proceedings since the respondent would be aware of the level of potential liability at the outset.[37] The Office is concerned that explicitly incorporating settlement demands such as these into the early stages of the process may encourage abusive use of the CCB, and that aggressive claimants would use such demands to intimidate respondents into a settlement or that high settlement demands would encourage respondents to opt out. Additionally, the Office believes that the revisions in the final rule requiring a claimant to describe the harm they have suffered and permitting them to include an estimate will better serve the goal of placing respondents on notice of the level of potential liability from the outset.

Further, commenters suggested that the requirement that the claimant identify the category of work that the claim pertains to may be confusing, especially for *pro se* claimants, and that this information is not necessary, since the Office can easily determine it from the work's application or registration.[38] The Office intends to provide guidance to claimants in its educational materials as well as within eCCB for determining the category of the work. Claimants who are unable to determine which category applies will be given an opportunity to describe the work in their own words instead. Though the Office may later be able to access this information in its records, identification of the category at this stage may provide helpful information to respondents in understanding the claim that is asserted. Indeed, New Media Rights believed the overall requirements for the claim, including the proposed rule's ''standard for describing the nature of the work'' to be ''inadequate'' for the respondent to understand the nature of the claim.[39] The Office believes that the final rule requires claims to include sufficient information for the respondent to be properly informed before making an opt-out election or when responding to the claim. The eCCB will give the claimant information as to how to select the category of the work or to describe it and provide the respondent with information and helpful context regarding the nature of the claim. If the work has already been registered, the claim will include the registration number, so that the respondent also has the ability to look up the work in the Office's registration database.

In response to commenters' observations that some of the technical pleading requirements may be too stringent, the Office made changes to

[29] 86 FR 53898.

[30] *Id.*

[31] New Media Rights Initial NPRM Comments at 4.

[32] Organization for Transformative Works (''OTW'') Initial NPRM Comments at 8–9; New Media Rights Initial NPRM Comments at 4–5.

[33] SFWA Initial NPRM Comments at 2.

[34] Copyright Alliance et al. Initial NPRM Comments at 13 (citing 28 U.S.C. 2201).

[35] 86 FR 53906.

[36] Copyright Alliance et al. Initial NPRM Comments at 13–14; Motion Picture Ass'n, Recording Indus. Ass'n of Am. & Software and Info. Ass'n of Am. (''MPA, RIAA & SIIA'') Initial NPRM Comments at 9–10.

[37] James Doherty Initial NPRM Comments.

[38] Copyright Alliance et al. Initial NPRM Comments at 12–13.

[39] New Media Rights Initial NPRM Comments at 4.

ease the burden on claimants while keeping respondents' interests in mind. First, the Office has removed the requirement that a claim must include a caption.[40] Claimants still must identify all parties as part of the claim, but the proposed rule could be read to suggest that a claimant must separately provide a caption, which was not the Office's intention. Instead, eCCB will generate the caption from the information provided by the claimant. Second, the proposed rule required the claimant to identify an address for each respondent in every instance at the time the claim is filed.[41] Recognizing that determining a respondent's address may be challenging and time-consuming, the Office included a provision that enables claimants who are running up against the statute of limitations to file their claims without identifying the respondent's address. Such a claimant must certify that the statute of limitations is likely to expire within 30 days of the date the claim is filed and provide the basis for such belief. The claimant will, however, have to provide the respondent's address before the claim can continue further. Third, in recognition of the fact that claimants may not know the specific dates when the infringing activity began or ended, the final rule requires claimants to identify when the infringement began and, if applicable, ended, but only to the extent known.

2. Contact Information

In the NPRM, claimants were required to provide their email addresses and telephone numbers as part of the initial notice. The exception to this was where the claimant was represented by legal counsel, in which case the counsel's contact information would appear instead.[42] The Office noted that making additional contact information for the claimant available to the respondent may facilitate communication, including with respect to settlement, but it may implicate other concerns as well, including some related to privacy.[43]

Commenters were split on this issue. The Copyright Alliance et al. agreed with the privacy concerns raised by the Office and believed that making contact information available to a respondent should be optional rather than mandatory.[44] Verizon did not think that the Office should be encouraging parties to communicate about settlement outside the CCB process.[45] AIPLA acknowledged the privacy concerns, but thought that the benefits of facilitating communication between the parties early on in the process outweighed any harm and noted that comparable forums require claimants to provide some form of contact information.[46]

The Office considered these comments and determined that claimants must provide a phone number, email address, and mailing address as part of the claim and initial notice, and respondents must provide a phone number, email address, and mailing address as part of the response. However, if a party is represented by counsel, that party's phone number and email address will be accessible to the CCB staff but will not be made available to the opposing party; the party's counsel's phone number and email address will be made available instead. The Office believes that making this contact information available will not only facilitate settlement, but will enable parties to communicate throughout the proceeding and exchange information through discovery. The final rule reflects these changes.

3. Bad-Faith Conduct at Claim Initiation Stage

Several commenters requested that the Office adopt regulations to curb abusive use of the CCB.[47] These comments were submitted before the Office published its NPRM on active proceedings, which includes provisions designed to prevent and address bad-faith conduct and which should address many of the concerns raised.[48]

However, some commenters raised specific concerns about abuse at the claim initiation stage. For example, two commenters pointed out that the NPRM did not require the copyright owner to certify the claim.[49] Instead, the proposed rule required the party submitting the claim, who may be another claimant or a claimant's authorized representative, to certify that the information in the claim is accurate and truthful.[50] The commenters suggested that copyright owners themselves be required to certify the claim.[51] The Office believes that requiring each copyright owner to submit a separate certification may be burdensome and unnecessarily complicate the CCB's streamlined electronic filing process, especially in instances where there are multiple claimants or where a claimant is represented by counsel or authorized representative. Instead, the Office modified the certification rule to require certifying parties to affirm that they have confirmed the accuracy of the information with the claimant or, in the case of one claimant certifying a claim, with its co-claimants.

4. Other Comments

Commenters made additional suggestions with respect to claim initiation, such as adding a reminder in the claim form to check the libraries and archives opt-out list prior to filing, and providing a space for claimants to challenge entities they believe to be improperly included on the list.[52] The Office agrees that claimants should check the libraries and archives opt-out list before filing a claim and that they may challenge an entity's inclusion on the list as part of their claim. The CCB may include reminders on its fillable claim forms. However, the Office believes that the more streamlined the claim form is, the more user-friendly it will be, and therefore will avoid requiring fields on the claim form that are targeted to less-than-common circumstances. The Office intends to include reminders to check the library and archives opt-out list where a claimant is filing a claim against a library or archives, or an employee thereof, in the CCB's educational materials, such as the CCB Handbook, along with instructions for how to challenge an entity's inclusion on the list.

Similarly, one comment suggested that the claim form remind claimants to check the designated service agent list.[53] The Office currently intends to include this as a requirement in eCCB's claim form so that the initial notice may be generated based on the information in the claim, but the Office does not believe that a revision to the regulatory language is necessary. The CCB's educational materials will also provide information to claimants concerning the designated service agent directory.

Amazon also included recommendations for additional eCCB

[40] 86 FR 53905.

[41] *Id.*

[42] *Id.* at 53907.

[43] *Id.* at 53900.

[44] Copyright Alliance et al. Initial NPRM Comments at 15.

[45] Verizon Initial NPRM Comments at 3.

[46] AIPLA Initial NPRM Comments at 1–2.

[47] Amazon Initial NPRM Comments at 3–4; Verizon Initial NPRM Comments at 1; Computer & Comm's Indus. Ass'n ("CCIA") Initial NPRM Comments at 2–3; OTW Initial NPRM Comments at 4–5.

[48] 86 FR 69890, 69893–94 (Dec. 8, 2021).

[49] Amazon Initial NPRM Comments at 3–4; CCIA Initial NPRM Comments at 2–3.

[50] 86 FR 53906.

[51] Amazon Initial NPRM Comments at 3–4; CCIA Initial NPRM Comments at 2–3.

[52] Copyright Alliance et al. Initial NPRM Comments at 12.

[53] *Id.*

functionality, such as including optimized search and filtering tools, in-docket searching, and a docket alert system.[54] The Office agrees with these recommendations and notes that eCCB will have some of these features. Though eCCB may not include every one of these features in the first instance due to time constraints, the Office will continue to explore ways to make eCCB as functional and user-friendly as possible.

Commenters noted that the NPRM requests a claimant asserting a misrepresentation claim to identify the sender and recipient of the takedown notice and suggested that the claim form make clear that the sender and recipient fields were not intended to identify the online service provider.[55] However, this appears to be a misreading of the NPRM. The Office intended for the claimant to identify the online service provider in these fields, as that is relevant information to describe the misrepresentation claim.

Commenters also addressed the proposed rule concerning additional matter that may accompany a claim. Some commenters believed that documentation in support of the claim should be required, noting that this would assist respondents in understanding the nature of the claim.[56] The Office appreciates these comments but has determined that additional matter in support of a claim at this stage should remain optional. This approach avoids imposing an unnecessary burden on some claimants, particularly where a claim relates to works that are large, unwieldy, or sensitive. Furthermore, as even infringement claims can be very different from each other, it would be difficult to accurately tell a claimant exactly what to attach at the claim stage without addressing many potential topics. If a claimant does not provide sufficient information to place the respondent on notice as to the nature of the claim, a Copyright Claims Attorney will request that the claimant provide additional detail as part of the CCB's compliance review process.

Additionally, the Organization for Transformative Works suggested that claims be required to prominently state whether the work at issue is registered, such as in boldface type or otherwise highlighted.[57] While the claim will state whether the work at issue has been registered, and the Office understands that the registration status of a work may be relevant to respondents in determining whether to opt out, the Office does not think that emphasizing this information in the way that is suggested will meaningfully benefit a respondent who may not understand the consequences of registration status. Indeed, highlighting the fact that a work has not been registered may cause a respondent who is not familiar with the registration requirements before the CCB to conclude that the claim is deficient in some way and that they need not take it seriously. Instead, the Office intends to explain the consequences of a work's registration status in the CCB's educational materials, so that potential respondents can weigh this factor in making an informed decision as to whether to opt out or not.

C. Review of the Claim by Copyright Claims Attorneys

1. Compliance Review

As noted in the NPRM, the statute describes the compliance review process in some detail and the Office proposed regulations to clarify the scope of the review.[58] The Office received several comments on the compliance review process.

Many commenters requested that Copyright Claims Attorneys check the libraries and archives opt-out list during the compliance review process to ensure that those entities that have opted out do not receive service documents from claimants.[59] Although claimants are encouraged to check this list before filing, Copyright Claims Attorneys will also review the library and archives opt-out list as part of their compliance review. The Office does not believe that this requires a regulatory change.

The Office also received a comment concerning the compliance review of *pro se* claims as compared to those of represented claimants. In the NPRM, the Office stated that ''[t]he claimant will be asked to be as detailed as possible, but, as contemplated by Congress, the CCB will 'construe liberally' any information in the claim to satisfy regulatory requirements during claim review.''[60] The Organization for Transformative Works noted that ''to construe liberally 'any information' goes beyond Congress's intent'' and that the legislative history cited in the NPRM only instructs that *pro se* claims are to be construed liberally. It argued that to construe all claims liberally ''would violate long-standing procedural principles and provide an unwarranted, unfair advantage to claimants.''[61] The Office acknowledges that the legislative history discussing liberal construction of claims related to *pro se* claims[62] and agrees that only *pro se* claims will be construed liberally. Since the proposed regulatory text says nothing about liberal construction of pleadings, no change to the regulatory language is needed.

2. Dismissal for Unsuitability

The Office received comments about whether secondary liability claims should be permitted before the CCB. Some commenters asserted that ''secondary liability cases are generally too complicated for CCB resolution'' and ''should be categorically excluded.''[63] The Copyright Alliance et al. responded that ''[s]ince the law specifically permits claims of infringement, it would be inappropriate for the Copyright Office to categorically exclude claims of secondary liability which as much constitute claims of infringement as do claims of direct liability.''[64] The Office agrees that it is not appropriate to categorically exclude claims of infringement based upon particular theories of liability, and there is nothing in the statute that supports such exclusions. While certain claims involving secondary liability may be unsuitable, the CCB will determine suitability on a case-by-case basis. One of the proponents of a categorical ban suggested, in the alternative, that the Office make clear in the CCB Handbook that secondary liability cases are generally too complicated for CCB resolution.[65] At this point, however, the Office does not believe it would be appropriate to make sweeping statements about any claim category's suitability.

To provide additional clarity, the final rule adds specific procedures for a party to request dismissal of a claim or counterclaim for unsuitability. Similar to subject-matter jurisdiction issues in federal court, a party can submit a request, at any time, that the CCB find a claim unsuitable to be heard by the CCB, and the opposing party will have the opportunity to respond. The CCB

[54] Amazon Initial NPRM Comments at 2–3.

[55] Copyright Alliance et al. Initial NPRM Comments at 14.

[56] Fordham Initial NPRM Comments at 1–2; OTW Initial NPRM Comments at 7–9.

[57] OTW Initial NPRM Comments at 8.

[58] 86 FR 53899.

[59] Copyright Alliance et al. Initial NPRM Comments at 24; LCA Initial NPRM Comments 1–2; Am. Ass'n of L. Libraries (''AALL'') Initial NPRM Comments at 1.

[60] 86 FR 53898 (citing H.R. Rep. No. 116–252 at 22).

[61] OTW Initial NPRM Comments at 11 (citing H.R. Rep. No. 116–252, at 22).

[62] H.R. Rep. No. 116–252, at 22.

[63] Amazon Initial Comments at 7; CCIA Initial Comments at 3.

[64] Copyright Alliance et al. Reply Comments at 11–12.

[65] Amazon Initial NPRM Comments at 7.

can also raise the issue of unsuitability at any point on its own.

D. Initial and Second Notices

The NPRM set forth procedures governing the initial notice of proceeding that a claimant must serve on a respondent along with the claim, as well as the second notice of proceeding that the CCB will issue to respondents who have not opted out.[66] Specifically, the proposed rule mandated that the initial notice describe the CCB, the nature of CCB proceedings, basic information about the claim(s) and claimant(s), the respondent's right to opt out, and the consequences of opting out or proceeding. In addition, the initial notice will explain how the respondent can find further information about copyright, the CCB, and how to access eCCB.[67] Similarly, the proposed rule instructed that the second notice would mirror the initial notice in substance and would be sent no later than 20 days after the claimant files proof of service or a completed waiver of service (unless the respondent already has opted out).[68]

Commenters emphasized the importance of avoiding overly technical or formal language in the notices,[69] and SFWA believed that the notices should do more to highlight the voluntary nature of the CCB and the respondent's ability to opt out.[70] Some commenters suggested including a list of commonly available defenses in the notice.[71] Other commenters were split on whether the notice should provide information on the differences between federal court litigation and CCB proceedings.[72] The Copyright Alliance et al. did not think that the notices should provide information on how to register for eCCB, under the theory that such information may distract the respondent during the opt-out period.[73] Two commenters suggested that the Office publish the language of the notices for public comment.[74]

The Office agrees that the notices should use clear and simple language while still appearing legitimate and having the authority of a governmental body. As reflected in both the NPRM and the final rule, the Office intends to have both notices describe the respondent's ability to opt out. However, the Office believes that the notices should take an impartial approach, and should neither encourage nor discourage opt-out elections. The Office also wishes to avoid including unnecessary detail in the notices, which may discourage some respondents from reading them in full. Instead, in addition to providing the key information needed, the notices will refer respondents to additional sources of information, where they can learn more about available defenses and the differences between federal court litigation and CCB proceedings, among other topics. The Office understands the value of public input concerning the language of the notices. Once the notices are public, the Office welcomes feedback from potential CCB participants.

The Copyright Alliance et al. suggested that the proposed rule be revised to make clear that the claim served with the initial notice must be the version that was found compliant by the Copyright Claims Attorney.[75] Similarly, the Organization for Transformative Works believed that the regulatory language may create the erroneous implication that a party other than the CCB may send the second notice,[76] while the Copyright Alliance et al. sought to clarify language in the preamble that incorrectly suggested that a respondent may file a response before the CCB serves the second notice.[77] The Office agrees with these comments, and has revised the final rule in line with these suggestions.

In response to suggestions that the Office do more to prevent abusive use of the CCB before a proceeding becomes active, the Office has included in the final rule a requirement that a claimant may not include with the service of the initial notice, claim, and related materials any additional substantive communications such as settlement demands, additional descriptions of the claim or the strength of the claim, or exhibits that were not filed as part of the claim. This rule is designed to prevent claimants from intimidating a respondent into participating in the proceeding or settling the claim, including by attempting to pass off their own materials as the CCB's. However, the rule should not prevent claimants and respondents from communicating during the opt-out period or engaging in good-faith settlement discussions. Such communications must occur separately from service of the initial notice, claim, and related materials to make clear to the respondent that they do not carry the CCB's imprimatur.

The Office also has standardized the information in both the initial notice and the second notice, where appropriate. Further, the proposed rule contemplated that the claimant would submit a completed initial notice form simultaneously with the claim form, which a Copyright Claims Attorney would review as part of compliance review and issue with an Office seal upon approval.[78] To make the process more streamlined and efficient, the CCB rather than the claimant will be responsible for creating the initial notice, which will be generated from the compliant claim. The final rule reflects this change. Similarly, the proposed rule's definition of ''initial notice'' erroneously suggested that initial notices would accompany counterclaims in addition to claims, as the Copyright Alliance et al. pointed out,[79] and the service provisions incorrectly suggested that counterclaims would be served like claims. These references to counterclaims have been removed in the final rule.

E. Service

1. Reorganization of Proposed §§ 222.5 and 222.6

In the NPRM, §§ 222.5 (''Service; designated service agents'') and 222.6 (''Waiver of service'') addressed service of the initial notice of proceedings and other documents in CCB proceedings, including a provision permitting corporations, partnerships, and other unincorporated associations to designate agents to receive service of the initial notice and claim. To permit such entities to designate agents in advance of the day the CCB opens its doors, the provision regarding designations of service agents and the Office's directory of service agents has been broken out from this rulemaking and has already been published as a partial final rule.[80] The provision regarding designated service agents has been moved to § 222.6 (''Designated service agents'') and the provision regarding waiver of service has been moved into § 222.5, which has been renamed ''Service; waiver of service; filing.'' Section 222.5 has been reorganized and some of the text has been revised to restate with

[66] 86 FR 53899–53900, 53902.

[67] *Id.* at 53899–53900.

[68] *Id.* at 53902.

[69] SFWA Initial NPRM Comments at 2–3; Amazon Initial NPRM Comments at 4.

[70] SFWA Initial NPRM Comments at 2–3.

[71] AIPLA Initial NPRM Comments at 2.

[72] *Compare* Fordham Initial NPRM Comments at 2; OTW Initial NPRM Comments at 6–7 *with* Copyright Alliance et al. Reply NPRM Comments at 13–14.

[73] Copyright Alliance et al. Initial NPRM Comments at 16–17.

[74] OTW Initial NPRM Comments at 6–7; SFWA Initial NPRM Comments at 3.

[75] Copyright Alliance et al. Initial NPRM Comments at 17–18.

[76] OTW Initial NPRM Comments at 7.

[77] Copyright Alliance et al. Initial NPRM Comments at 18.

[78] 86 FR 53898.

[79] Copyright Alliance et al. Initial NPRM Comments at 12.

[80] 87 FR 12861 (Mar. 8, 2022).

more clarity what was in the proposed rule.

One such clarification relates to designated service agents. Various commenters observed that, as required by the statute, when a corporation, partnership, or unincorporated association has designated a service agent, a claimant must serve the initial notice and claim upon that agent. They requested that the regulations clarify that this is the case.[81] The Office agrees with that interpretation of the statute,[82] and did not believe a regulatory provision was necessary in light of the statutory language, so such a provision was not in the NPRM. However, in light of the comments about possible confusion, § 222.5(b)(2)(ii) now provides that when an entity has designated a service agent, service of the initial notice and claim must be made on that service agent.

2. Service of Order Regarding Second Filing Fee and Electronic Filing Registration

As discussed below, to accommodate a two-tiered filing fee system, the final rule includes a new provision for an order, after a proceeding has become active for all respondents, requiring the claimant to pay the second fee and requiring all parties who have not yet registered for eCCB to do so. Section 222.5 has been revised to address the service of that order. Service of that order upon each party will depend upon whether that party has already registered for eCCB. The CCB will serve the order through eCCB for those parties who are already registered users. For parties who have not yet registered for eCCB, the order will be served in the same manner as the second notice—*i.e.,* by mail and, if the CCB has an email address for the party, by email as well.

3. Revisions Regarding Filings and Service of Documents

The final rule includes a few minor revisions, for purposes of efficiency and clarity, to the rules regarding service of documents subsequent to the service of the initial notice. The final rule also revises how an unrepresented individual can, in exceptional circumstances, use means other than eCCB for filings and the service of filings.

As a general rule, parties will need to use eCCB for all filings and, once a proceeding has become active, a filing on eCCB will constitute service on all registered eCCB users linked to a case. The NPRM provided that unrepresented parties could avoid eCCB by certifying that they were unable to use eCCB or that doing so would cause an undue hardship. The NPRM then presented several alternative means of service of filings and documents, subsequent to the service of the initial notice, in proceedings involving a party not using eCCB. Given how burdensome this would be on all parties, and to maximize the number of parties using eCCB while still allowing for accessibility to CCB proceedings for those who are unable to use it, the final rule states that those unrepresented individuals who have exceptional circumstances preventing them from accessing eCCB should contact the CCB, so that alternate arrangements can be made. Determining the necessary modifications, if any, on a case-by-case basis will give the CCB the flexibility to formulate solutions based on the particular challenges of the parties.[83]

The NPRM would have required that service of the second notice, which is made by the CCB, be made by certified mail. The final rule has eliminated the requirement that the second notice be sent by certified mail, but it is likely that the Office will send such notices using some form of U.S. Postal Service tracking to confirm that they were actually delivered.

There was contradictory language in the NPRM regarding service of requests for discovery and discovery responses. On one hand, the NPRM provided that ''discovery requests and responses must not be filed unless they are used in the proceeding, as needed, in relation to discovery disputes or submissions on the merits.'' [84] On the other hand, it included ''[a] discovery document required to be served on a party'' among the documents that must be served ''in the manner prescribed in paragraph (d)(3),'' which stated that ''[a] document is served under this paragraph by sending it to a registered user by filing it with [eCCB] or sending it by other electronic means.'' [85] However, it was not the Office's intent to require that discovery documents be filed with the CCB. The final rule has been clarified to provide that, unless the parties agree to another method of service, discovery requests and responses shall be served on other parties by email if the format and size of the documents makes such service reasonably possible. When such service is not reasonably possible (*e.g.,* due to size or format issues), the parties should attempt to agree to other arrangements. In the absence of an agreement, such documents that cannot be served by email should be served by mail.

4. Waiver of Personal Service

The CASE Act permits a respondent to waive personal service of process—*i.e.,* to agree in writing that the claimant need not go through the formal procedures for service of the claim and initial notice. A claimant may send a request for a waiver of personal service, along with the initial notice and the other documents to be served with that notice, to the respondent by mail or other reasonable means. The respondent may return the signed waiver to the claimant, which constitutes acceptance and proof of service.[86]

Engine expressed concern that when sending requests for waivers of service to respondents, some claimants might use misleading or intimidating language, similar to concerns expressed by other commenters relating to service of the initial notice and claim. Engine suggested that each claimant be required to send to the CCB a copy of everything that was included in the waiver package that the claimant sends to a respondent.[87] Such a requirement would impose administrative burdens on the CCB staff and go well beyond requirements for cases in federal court. The Office believes that a more efficient solution would be to take the same approach that has been taken with respect to service, and the final rule provides that the request for waiver of personal service shall be prepared using a form prepared by the CCB and shall not be accompanied by any other substantive communications.

The final rule includes additional minor revisions regarding waivers of service. The NPRM had proposed that a waiver shall contain the respondent's email address and telephone number. However, consistent with revisions made to provisions governing the claim, the initial notice, and the response to the claim, the final rule provides when a respondent is represented, the waiver returned by a respondent should include the email address and telephone number not of the respondent, but rather of the respondent's counsel or

[81] *See, e.g.,* CCIA Initial NPRM Comments at 3; Copyright Alliance et al. Initial NPRM Comments at 19; MPA, RIAA & SIIA Initial NPRM Comments at 3–4.

[82] *See* 17 U.S.C. 1506(g)(5).

[83] Copyright Office regulations take a similar approach with respect to the online filing requirement for group registrations of unpublished works. *See* 37 CFR 202.4(c)(10) (''In an exceptional case, the Copyright Office may waive the online filing requirement . . . or may grant special relief from the deposit requirement . . . subject to such conditions as the Associate Register and Director of the Office of Registration Policy and Practice may impose on the applicant.'').

[84] 86 FR 53909.

[85] *Id.* at 53908–09.

[86] 17 U.S.C. 1506(g)(6).

[87] *See* Engine Initial NPRM Comments at 3.

authorized representative. Similarly, the final rule now provides that in cases where the respondent is represented, the waiver may be signed by the respondent's counsel or authorized representative.

In the NPRM, the Office proposed a rule that the proof of service must be filed within seven days of service, noting that the CCB will issue the second notice to the respondent no later than twenty days after receipt of a proof of service filed by the claimant.[88] The seven-day deadline was imposed so that the CCB would receive prompt notice that the initial notice had been served and could issue the second notice to the respondent within the following twenty days. Because one purpose of the second notice is to remind the respondent of its opt-out choice, it is vital that the second notice be served well before the expiration of the opt-out period, which is 60 days following service of the initial notice.[89]

The CASE Act provides only that proof of service of the initial notice must be filed not later than 90 days after the CCB notifies the claimant to proceed with service.[90] That provision continues to serve as an ultimate deadline for the filing of proof of service. However, to ensure that the second notice is delivered to the respondent well in advance of the expiration of the opt-out period, the CCB needs to receive the proof of service soon after service takes place and well in advance of the opt-out date. Otherwise, the entire opt-out period could pass before the CCB is notified that service has been completed and the second notice would not meaningfully inform the respondent regarding its opt-out options. In the final rule, the Office has clarified that the seven-day deadline to advise the CCB regarding service on respondent applies to the filing of both proof of service and waiver of service, as applicable. As noted in the regulations, the consequence of a claimant failing to file its proof of service or waiver of service within the seven-day deadline is a possible extension of the respondent's opt-out deadline, depending on the circumstances.

5. Other Matters

One comment urged that the Office provide claimants with clear, simple, plain-English instructions for effecting valid service, including a requirement that claimants search the online database of service agents and step-by-step instructions on how to serve such agents.[91] The Office intends to provide such information and instruction in other materials made available to the public, including the CCB Handbook.[92]

Other commenters expressed concern that the proposed rule for documents served electronically states, ''service is complete upon filing or sending, respectively, but is not effective if the filer or sender learns that it did not reach the person to be served.'' [93] The commenters observed that it is unclear what ''learns'' means and the uncertainty could enable intended recipients to make unsubstantiated claims that they did not receive documents that had been transmitted to them.[94] They proposed that the language be revised to include a proviso that the intended recipient must timely notify the sender that the document was not received.[95] The Office notes that the language in question is taken almost verbatim from Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure.[96] The Federal Rule has no requirement that the intended recipient must notify the sender that the document was not received, and it is evident that unless a party was expecting to receive a particular document at a particular time, the intended recipient would have no way of knowing that the other party had attempted, but failed to accomplish, delivery of the document. The Office sees no reason to depart from the rule that has long worked for the federal courts.

The Office has extended the provision that service is not effective if the sender learns that it did not reach the party to be served to cover service by mail as well as email. There does not appear to be any basis for treating these methods separately because the purpose of the provision is to recognize that service is not effective when it was not completed. Further, if the sender of the material has actual notice that service was not completed, such as if it is returned from the U.S. Post Office because it was not delivered, the sender should have the same responsibility to make sure it is correctly served as with service by email.

Professor Eric Goldman acknowledged that the statutory provisions and proposed rule ''incorporate[ ] existing service rules that apply to judicial proceedings,'' but argued that the CCB should go further and ''rigorously scrutinize service'' and should ''validate that the right defendant was identified and that service was made to that person.'' [97] While implicitly acknowledging that this was not an issue created by or peculiar to the CCB (Professor Goldman noted that ''service rules can be gamed in non-CCB contexts''), he suggested that the CCB should ''invest some resources in identifying—and punishing—service abuse.'' [98] The Copyright Alliance et al. responded by noting that the possibility of misidentifying a defendant or a defendant's address ''is a possibility that also exists in federal court, and it is unreasonable to expect that the CCB could somehow ensure that the claimant does not misidentify the respondent or the respondent's address.'' [99] The Office agrees that the CCB cannot act as a guarantor that a claimant has served process on the correct respondent at the correct address, which is an issue that faces all tribunals regardless of size or jurisdiction. Moreover, the Office notes that the CCB has additional notices and safeguards against defaults that potentially reduce the effects of service abuse or mistake.

F. Opt-Out Procedures

The NPRM also set forth the procedures a respondent must follow to opt out of a proceeding. Under the proposed rule, a respondent may opt out by using either a paper or electronic form that requires provision of the docket number for the claim, a verification code, certain identifying information, and a signed affirmation.[100] The proposed rule required that each respondent independently fill out the opt-out form. It also specified that an opt-out would be effective against duplicate claims, but not unrelated claims between the same parties.[101]

Commenters emphasized the importance of making the opt-out process simple and accessible.[102] CCIA questioned whether it was necessary to

[88] 86 FR 53902, 53907.

[89] *See* 17 U.S.C. 1506(i).

[90] *Id.* at 1506(g).

[91] MPA, RIAA & SIIA Initial NPRM Comments at 4.

[92] *See* 86 FR 69904 (proposed § 220.3).

[93] Copyright Alliance et al. Initial NPRM Comments at 19 (citing 86 FR 53908–09 (proposed § 222.5(d)(3)(ii))).

[94] *See id.*

[95] *See id.* at 19–20.

[96] Fed. R. Civ. P. 5(b)(2)(E) (''A paper is served under this rule by . . . sending it to a registered user by filing it with the court's electronic-filing system or sending it by other electronic means that the person consented to in writing—in either of which events service is complete upon filing or sending, but is not effective if the filer or sender learns that it did not reach the person to be served.'').

[97] Eric Goldman Initial NPRM Comments at 1.

[98] Eric Goldman Initial NPRM Comments at 1.

[99] Copyright Alliance et al. Reply NPRM Comments at 15.

[100] 86 FR 53902.

[101] *Id.* at 53902–03.

[102] Engine Initial NPRM Comments at 4; CCIA Initial NPRM Comments at 4–5.

require respondents using the electronic opt-out form to include a verification code when this code was not required for respondents using the paper form,[103] while others supported the use of the code as a security measure.[104] The Office believes that the verification code imposes a minimal burden while adding a necessary protective measure to ensure that only the respondent is able to opt out. The Office also agrees that electronic and paper opt-out forms should not be treated differently in this respect and has modified the rule to require the verification code, which will be provided along with the initial and second notices, for paper opt-out forms as well. The Office notes that eCCB is set up to make opting out easy, and its use is highly encouraged. Respondents will be able to find the appropriate claim on eCCB, identify themselves, and enter the opt-out code without needing to register. They will then be sent a confirmation for their records.

The NPRM requested comments on whether the rule should give respondents the ability to rescind an opt-out.[105] Commenters generally opposed such a provision, arguing that the Office lacked statutory authority to permit the rescission of opt-outs,[106] that claimants could use the availability of this mechanism to harass respondents,[107] that such a mechanism would impose an administrative burden on the CCB,[108] and that rescission may go against a claimant's wishes or raise constitutional concerns where a federal court's jurisdiction has been invoked.[109] Commenters suggested that if such a mechanism was introduced, the decision to rescind an opt-out should be accompanied by conditions, such as a requiring the claimant's consent,[110] the reimbursement of the claimant's filing fee,[111] or other financial penalties.[112]

After consideration of these comments, the Office has decided not to allow the rescission of opt-outs by respondents, which would result in the unilateral reinitiation of a CCB proceeding. At the same time, the Office expects that there will be scenarios where, after opting out, respondents change their minds and determine that they would prefer to proceed before the CCB. In those circumstances, the respondent could contact the claimant with an offer to submit the parties' dispute to the CCB. The claimant would have a choice of whether to accept the offer. Accordingly, the Office is modifying the proposed rule to permit the same claim to be refiled following an opt-out where both parties have consented to the refiling.

In the NPRM, the Office proposed a rule intended to prevent a claimant from refiling a claim against a respondent who has already opted out with respect to that claim. Recognizing that such a rule should apply not only to verbatim repetitions of the previous claim but also to restatements of the same claim with different language, the Office proposed a rule that would protect a respondent who has opted out against a future claim ''covering the same acts and the same theories of recovery.'' [113] Commenters raised concerns with the standard proposed in the NPRM. One comment suggested that the proposed rule adopted the wrong standard and that the correct standard is found in the statutory text relating to allowable counterclaims.[114] However, this rule is intended to address the repeated filing of a claim against a respondent that has previously opted out, not the scope of permissible counterclaims, which the statute limits to ensure that the CCB operates ''efficiently and within the scope of its expertise.'' [115] Another comment sought clarification as to how the rule would be applied in particular factual scenarios.[116] The Office understands that such examples may be helpful and expects to offer some in the Handbook. After considering the comments, the language in the final rule has been modified to make clear that the prohibition on refiled claims extends not only to identical or verbatim claims previously filed by the claimant from which the respondent has already opted out, but also to claims involving the same parties that cover the same acts and theories of recovery in substance, notwithstanding minor variations.

The Office received divided comments on whether and in what circumstances a respondent may seek an extension of the opt-out period. The Organization for Transformative Works suggested that respondents be permitted to extend the opt-out period when they need additional information to understand the nature of the claim or more time to seek the assistance of counsel,[117] while other commenters disagreed, arguing that this would result in delays in CCB proceedings, which are intended to be efficient.[118] The Office recognizes that there may be limited situations where a respondent needs more than 60 days to evaluate a more complex claim or to seek counsel, and the claimant may prefer that the opt-out period be extended rather than the respondent immediately opting out. The Office notes, however, that the statute gives the CCB the authority to extend the opt-out period in exceptional circumstances and upon written notice to the claimant when the extension is in the interests of justice.[119] The Office has made this explicit in the final rule and has included a provision stating that requests for an extension of the opt-out period may be made by the respondent individually or the parties jointly. The CCB Handbook will encourage respondents to seek the claimant's consent, as joint requests to extend the opt-out period can be more easily granted.

Commenters also urged the Office to consider publishing a list of respondents who have opted out, arguing that doing so would be helpful to potential claimants' decision-making process.[120] The Office is not creating such a list at this time, but will consider doing so in the future without the need for a regulation. The Office notes that this list would only be helpful if it includes a denominator representing the total number of claims filed against a particular respondent and not merely a numerator representing the number of times that the respondent has opted out. The Office further notes that eCCB will in any event contain information about claimants and respondents and will be public and searchable by parties.

Additionally, Verizon suggested that the rule make clear that the opt-outs of respondents who were not properly served be treated as effective.[121] The Office agrees and has included such a provision in the final rule.

The Office has also made additional procedural changes to streamline the opt-out process. First, the final rule permits a respondent's representative to complete the opt-out form, provided that they certify that they were directed and authorized by the respondent to do

[103] CCIA Initial NPRM Comments at 4–5.

[104] Copyright Alliance et al. Reply NPRM Comments at 18.

[105] 86 FR 53903.

[106] Copyright Alliance et al. Initial NPRM Comments at 19–20.

[107] Verizon Initial NPRM Comments at 3.

[108] AIPLA Initial NPRM Comments at 2.

[109] *Id.*

[110] *Id.*

[111] Fordham Initial NPRM Comments at 3.

[112] Lisa Corson Initial NPRM Comments at 1.

[113] 86 FR 53902–03, 53912.

[114] MPA, RIAA & SIIA Initial NPRM Comments at 8–9 (citing 17 U.S.C. 1504(c)(4)(B)) (The comment suggested a rule focusing on whether the claim arises out of the same transaction or occurrence that is the subject matter of the original claim.).

[115] *See Copyright Small Claims* at 105.

[116] SFWA Initial NPRM Comments at 3–4.

[117] OTW Initial NPRM Comments at 9, 11.

[118] Copyright Alliance et al. Reply NPRM Comments at 18–19.

[119] 17 U.S.C. 1506(i).

[120] Copyright Alliance et al. Initial NPRM Comments at 23; Amazon Initial NPRM Comments at 6.

[121] Verizon Initial NPRM Comments at 2.

so. The Office has included this provision to enable represented respondents to opt out more easily, especially those who cannot themselves use eCCB but have an attorney who can. The Office does not believe there is a compelling reason to allow a party to be represented for other aspects of a CCB proceeding, but not the opt out, and this rule makes sense for the same reasons that the CCB will allow authorized representatives for the claimant to prepare and certify the claim. Respondents will still have to provide their representatives with the proper opt-out code to enable the representative to opt out on their behalf. Second, the final rule requires a respondent to include certain contact information on opt-out forms so that the CCB may send the respondent or its representative confirmation of the opt-out. When opting out electronically, the respondent must include an email address. When opting out using a paper form, the respondent must provide either an email address or a mailing address. Third, the final rule makes clear that electronic opt-out forms must be submitted by 11:59 p.m. Eastern Time on the final day of the opt-out period, rather than at midnight.

G. Order Regarding Second Filing Fee and Electronic Filing Registration

As discussed above, the addition of a two-tiered fee system in the final rule required additional processes concerning payment of the second fee. Under the final rule, once a proceeding becomes active (*i.e.,* all respondents have been served and the time to opt-out for each respondent has expired without all of them opting out), the CCB will issue an order to all parties requiring that the claimant pay the second filing fee within 14 days and that any parties who have not yet registered for the eCCB do so (unless they are a *pro se* individual and have contacted the CCB and the CCB has determined that exceptional circumstances exist such that the party does not have to use eCCB) within 14 days. After the claimant pays the second filing fee and the 14-day period elapses, the CCB will issue a scheduling order. If any party has not yet registered for eCCB by that time, the CCB will serve that party with the scheduling order outside of eCCB, along with a notice reminding the party to register for eCCB or contact the CCB if they are unable to use it. The notice will also state that a failure to comply may ultimately result in a determination of the party's default or failure to prosecute. Under the final rule, if a claimant fails to submit the second payment within the 14-day period, the CCB will issue a notice to that claimant, reminding them to submit the second payment within the next 14 days. If the claimant still fails to submit the second payment, the CCB will dismiss the proceeding without prejudice, unless doing so would not be in the interests of justice.

H. Response

In the NPRM, the Office proposed procedures for the respondent to file a response to a claim.[122] As with the claim, responses generally must be filed using an electronic fillable form provided through eCCB.[123] In the response, the respondent will provide identifying information and details concerning the dispute, along with a certification that the information provided in the response is accurate and truthful to the best of the certifying party's knowledge.[124] Under the proposed rule, respondents to infringement claims were permitted to identify relevant defenses, and given the opportunity to attach documentation related to their response.[125] However, the proposed rule did not provide for identification of defenses to claims of misrepresentation or for declarations of noninfringement.

The Office requested comments concerning whether a list of common defenses should be provided to respondents and, if so, how such a list should be provided.[126] Commenters generally favored including a list of common defenses,[127] but they were divided on how and what details should be provided. Engine favored presenting defenses in the form of a checklist,[128] but others believed that this may encourage respondents to raise frivolous or baseless defenses and favored presenting relevant defenses in the form of a list without additional detail.[129] Other commenters agreed that the Office should present a list of common defenses for each type of claim, but should make clear that the applicability of defenses will depend on the facts at issue.[130] Finally, two commenters agreed that the Office should provide a list of common defenses, but thought that each defense should be accompanied by a brief explanation along with links to resources.[131]

As a preliminary matter, the Office agrees that respondents for each type of claim—rather than only infringement claims—should be permitted an opportunity to present defenses beyond just disputing the claim, and it has revised the final rule accordingly. Additionally, the Office intends to include a list of common defenses in the response form. These defenses generally will take the form of a checklist, but respondents will be required to provide the basis for each defense they select as part of the response form. This will minimize the burden on respondents, who may not have much familiarity with the law, while discouraging the assertion of meritless defenses. The Office also intends to include additional information concerning common defenses as part of the CCB's educational materials and to have links within eCCB so that respondents can easily access those materials.

Commenters also suggested that the response form alert respondents to the availability of pro bono assistance from legal clinics and how to contact them.[132] The Office intends to include references to pro bono assistance in the initial notice and throughout the CCB's educational materials.

As discussed above, the final rule also requires a respondent to provide an address, phone number, email address, and, if represented by counsel or an authorized representative, the address, phone number, and email address of the counsel or representative. Where a respondent is represented, the respondent's phone number and email address will not be made available to the opposing party, but only to CCB staff. Additionally, as is the case with the claim form, when the response is completed by someone other than the respondent, the final rule requires that the certifying party has confirmed the accuracy of the information with the respondent.

I. Counterclaims and Response to Counterclaims

The CASE Act provides that a respondent in a CCB proceeding may assert certain related counterclaims against the claimant.[133] An allowable counterclaim must either ''arise[ ] under

[122] 86 FR 53909.

[123] *Id.* at 53903.

[124] *Id.* at 53910.

[125] *Id.* at 53903.

[126] *Id.*

[127] Copyright Alliance et al. Initial NPRM Comments at 20–21; Engine Initial NPRM Comments at 4; MPA, RIAA & SIIA Initial NPRM Comments at 10; Fordham Initial Comments at 3–4. *But see* Lisa Corson Initial NPRM Comments at 1.

[128] Engine Initial NPRM Comments at 4.

[129] Copyright Alliance et al. Initial NPRM Comments at 20–21; Copyright Alliance et al. Reply NPRM Comments at 15.

[130] MPA, RIAA & SIIA Initial NPRM Comments at 10.

[131] Fordham Initial NPRM Comments at 3–4; Anonymous Reply NPRM Comments at 4–5;.

[132] Copyright Alliance et al. Initial NPRM Comments at 21.

[133] 17 U.S.C. 1504(c).

section 106 or section 512(f) [of the Copyright Act] and out of the same transaction or occurrence that is the subject of a claim of infringement, . . . a claim of noninfringement, . . . or a claim of misrepresentation,'' [134] or ''arise [ ] under an agreement pertaining to the same transaction or occurrence that is the subject of a claim of infringement . . . if the agreement could affect the relief awarded to the claimant.'' [135] Counterclaims must also fall within the same limits on damages that apply to claims.[136] Any asserted counterclaim is subject to the same compliance review applicable to an initial claim [137] and is subject to dismissal for unsuitability.[138]

1. No Opting Out of Counterclaims

Though the CASE Act provides a detailed procedure for respondents to opt out of using the CCB to resolve claims,[139] it does not set forth a corresponding opt-out procedure for counterclaims.[140] Under the statute, a claimant can elect to voluntarily dismiss a claim, respondent, or proceeding by written request at any time ''before a respondent files a response to the claim,'' [141] but once a response with any counterclaim is filed, the statute does not provide a means for the claimant to withdraw from, or opt out of, having the CCB decide the counterclaim.

In the NPRM, the Office invited comments on the issue, including whether allowing a claimant to opt out of having the CCB decide a counterclaim is permitted under the statute.[142] As the Office previously observed, ''[a]s the claimant has already voluntarily submitted to, and in fact requested, the CCB to take up the general issue at hand, having an opt-out procedure for counterclaims potentially could constitute an inefficient use of time and resources.'' [143] The Office also noted that, as the CASE Act permits only counterclaims that both arise from the same transaction or occurrence as a claim and that implicate copyright or an agreement affecting the relief to be awarded to the claimant, ''there arguably should be no surprise when a counterclaim is asserted. For example, a claimant who brings an action before the CCB seeking a declaration of noninfringement of a work could reasonably expect a counterclaim for infringement of that same work.'' [144]

Commenters were generally in agreement with the proposed rule. Several commenters opposed any provision that would allow claimants to opt out of counterclaims raised against them.[145] Some questioned the legality of such a provision.[146] Commenters raised equitable concerns that ''no party should be able to pursue a claim in CCB while simultaneously opting out of litigating a counterclaim against it'' [147] and that once a claimant voluntarily elects to bring a claim, ''they elect to either proceed before the CCB or not to; they do not get to pick and choose which eligible [counter]claims they would like to be subject to before the CCB.'' [148]

Most of the comments that addressed the issue opined that, even if permissible, ''an opt-out mechanism . . . for claimants who receive a counterclaim . . . would [not] be sound policy.'' [149] One commenting party concurred that a claimant should not be entitled to opt out of a counterclaim ''unless that original claimant drops its claim, thus resulting in dismissal of the entire CCB case.'' [150]

Two commenters expressed the opposing view.[151] An authors' organization commented that not allowing a claimant to opt-out of counterclaims would make ''claimants unfairly bear[ ] the burden of paying the filing fee, initiating the process, and assuming the risk of being subjected to a counterclaim,'' and give respondents ''a distinct advantage by being able to force the case through the CCB process.'' [152] Another anonymous commenter raised similar concerns that this would impose an unbalanced burden on claimants and that respondents may ''attempt to find a way to abuse free counterclaims.'' [153]

The Office agrees with the majority of comments that a claimant should not be entitled to opt out of a counterclaim. The NPRM expressed doubt that the CASE Act permits a counterclaim respondent to opt out, and no commenters made an argument that it does. Moreover, a respondent's right to opt out of a CCB claim is inherent in the voluntary nature of the forum, but a claimant before the CCB has already affirmatively opted in to the proceeding and could reasonably anticipate a respondent to file a counterclaim. Any claimant, knowing that the respondent may opt out of the proceeding or make a counterclaim, can assess those risks before filing the claim. But if a claimant facing a counterclaim could opt out of that counterclaim while maintaining their own claim, this would be unfair to respondents. The Office is persuaded that it would be inequitable and inefficient to permit a claimant to opt out of a counterclaim, even if such a regulation were permitted.

2. Other Provisions Related to Counterclaims

The CASE Act does not specify when a counterclaim must be filed. Under the proposed rule, a counterclaim must be asserted at the same time the response is filed unless the CCB finds good cause for allowing a later counterclaim.[154] The only comments on this topic ''agree[d] with this approach.'' [155] The Office finds that this approach will enable ''an efficient, orderly procedure that provides parties sufficient notice as to the issues involved in the proceeding.'' [156]

The NPRM proposed that ''the information required to assert a counterclaim should closely mirror the information required to assert a claim.'' [157] However, commenters noted a discrepancy between those requirements—while claimants would have been required to state ''[t]he facts leading the claimant to believe the work has been infringed,'' counterclaimants would have been required to state ''[t]he nature of the alleged infringement.'' [158] The Copyright Alliance et al. suggested revising the latter provision to be consistent with the former.[159] The Office agrees and adopts the suggestion in the interest of consistency. The Office does not intend that the pleading standards and requirements for

[134] *Id.* at 1504(c)(4)(B)(i).

[135] *Id.* at 1504(c)(4)(B)(ii).

[136] *Id.* at 1504(c)(4)(A), 1504(e)(1).

[137] *Id.* at 1506(f)(2).

[138] *Id.* at 1506(f)(3).

[139] *Id.* at 1506(i).

[140] *See* 86 FR 53904.

[141] 17 U.S.C. 1506(q)(1).

[142] 86 FR 53904.

[143] *Id.*

[144] *Id.*

[145] AIPLA Initial NPRM Comments at 2; Copyright Alliance et al. Initial NPRM Comments at 21–22.

[146] AIPLA Initial NPRM Comments at 2; Copyright Alliance et al. Initial NPRM Comments at 21–22.

[147] MPA, RIAA & SIIA Initial NPRM Comments at 8.

[148] Copyright Alliance et al. Initial NPRM Comments at 22. This comment further suggested that the claim form should prominently inform claimants ''that by bringing a claim before the CCB, they voluntarily consent to the process, including any counterclaims permitted[.]'' *Id.*

[149] AIPLA Initial NPRM Comments at 2.

[150] MPA, RIAA & SIIA Initial NPRM Comments at 7.

[151] *See* Anonymous Reply NPRM Comments at 2; SFWA Initial NPRM Comments at 4.

[152] SFWA Initial NPRM Comments at 4.

[153] Anonymous Reply NPRM Comments at 2.

[154] 86 FR 53903.

[155] Copyright Alliance et al. Initial NPRM Comments at 21.

[156] 86 FR 53903.

[157] *Id.*

[158] Copyright Alliance et al. Initial NPRM Comments at 21 (citing 86 FR 53903, 53910).

[159] *Id.*

claimants and counterclaimants should differ, and accordingly, the Office has further revised the wording proposed in the NPRM regarding the content of counterclaims to conform it to the wording regarding the content of claims.

J. Clarifying Language and Technical Corrections

Commenters provided suggestions on clarifying language and correcting typographical errors in the NPRM. The Office has adjusted the final rule accordingly.[160]

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 220

Claims, Copyright, General.

37 CFR Part 222

Claims, Copyright.

37 CFR Part 223

Claims, Copyright.

37 CFR Part 224

Claims, Copyright.

Final Regulations

For the reasons stated in the preamble, the U.S. Copyright Office amends chapter II, subchapters A and B, of title 37 Code of Federal Regulations as follows:

Subchapter A—Copyright Office and Procedures

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

Section 201.10 also issued under 17 U.S.C. 304.

■ 2. In § 201.3:

■ a. Revise the section heading;

■ b. Redesignate table 1 to paragraph (d) and table 1 to paragraph (e) as table 2 to paragraph (d) and table 3 to paragraph (e), respectively; and

■ c. Add paragraph (g).

The revision and addition read as follows:

§ 201.3. Fees for registration, recordation, and related services, special services, and services performed by the Licensing Section and the Copyright Claims Board.

* * * * *

(g) *Copyright Claims Board fees.* The Copyright Office has established the following fees for specific services related to the Copyright Claims Board:

TABLE 4 TO PARAGRAPH (g)

Copyright claims board fees	Fees ($)
(1) Initiate a proceeding before the Copyright Claims Board.	.....
(i) First payment	40
(ii) Second payment	60
(2) [Reserved]	.....

Subchapter B—Copyright Claims Board and Procedures

■ 3. Under the authority of 17 U.S.C. 702, 1510, the heading for subchapter B is revised to read as set forth above.

■ 4. Add part 220 to read as follows:

PART 220—GENERAL PROVISIONS

Sec.
220.1 Definitions.
220.2 [Reserved]

Authority: 17 U.S.C. 702, 1510.

§ 220.1 Definitions.

For purposes of this subchapter:

(a) An *authorized representative* is a person, other than legal counsel, who is authorized under this subchapter to represent a party before the Copyright Claims Board (Board).

(b) An *initial notice* means the notice described in 17 U.S.C. 1506(g) that is served on a respondent in a Board proceeding along with the claim.

(c) A *second notice* means the notice of a proceeding sent by the Board as described in 17 U.S.C. 1506(h).

§ 220.2 [Reserved]

PART 222—PROCEEDINGS

■ 5. The authority citation for part 222 continues to read as follows:

Authority: 17 U.S.C. 702, 1510.

■ 6. Add §§ 222.2 through 222.5 to read as follows:

Sec.

* * * * *

222.2 Initiating a proceeding; the claim.
222.3 Initial notice.
222.4 Second notice.
222.5 Service; waiver of service; filing.

* * * * *

§ 222.2 Initiating a proceeding; the claim.

(a) *Initiating a proceeding.* A claimant may initiate a proceeding before the Copyright Claims Board (Board) by submitting the following—

(1) A completed claim form provided by the Board; and

(2) The first payment of the filing fee set forth in 37 CFR 201.3(g).

(b) *Electronic filing requirement.* Except as provided otherwise in § 222.5(f), to submit the claim and the first payment of the filing fee, the claimant must be a registered user of the Board's electronic filing system (eCCB).

(c) *Contents of the claim.* The claim shall include:

(1) Identification of the claim(s) asserted against the respondent(s), which shall consist of at least one of the following:

(i) A claim for infringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106;

(ii) A claim for a declaration of noninfringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106; or

(iii) A claim under 17 U.S.C. 512(f) for misrepresentation in connection with—

(A) A notification of claimed infringement; or

(B) A counter notification seeking to replace removed or disabled material;

(2) The name(s) and mailing address(es) of the claimant(s);

(3) For any claimant that is represented by legal counsel or an *authorized representative,* the name(s), mailing address(es), email address(es), and telephone number(s) of such claimant's legal counsel or *authorized representative;*

(4) For any claimant that is not represented by legal counsel or an *authorized representative,* the email address and telephone number of such claimant;

(5) The name(s) of the respondent(s);

(6) The mailing address(es) of the respondent(s), unless the claimant(s) certifies that a respondent's address is unknown at the time to the claimant and that the claimant has a good-faith belief that the statute of limitations for the claim is likely to expire within 30 days from the date that the claim is submitted, and describes the basis for that good-faith belief;

(7) For an infringement claim asserted under paragraph (c)(1)(i) of this section—

(i) That the claimant is the legal or beneficial owner of rights in a work protected by copyright and, if there are any co-owners, their names;

(ii) The following information for each work at issue in the claim:

(A) The title of the work;

(B) The author(s) of the work;

(C) If a copyright registration has issued for the work, the registration number and effective date of registration;

(D) If an application for copyright registration has been submitted but a registration has not yet issued, the service request number (SR number) and application date; and

(E) The work of authorship category, as set forth in 17 U.S.C. 102, for each

[160] *See, e.g.,* Copyright Alliance et al. Initial NPRM Comments at 14–15, 17, 20–21; New Media Rights Initial NPRM Comments at 5–6; OTW Initial NPRM Comments at 11; SFWA Initial NPRM Comments at 2; Sergey Vernyuk Initial NPRM Comments at 1.

work at issue, or, if the claimant is unable to determine the applicable category, a brief description of the nature of the work; and

(iii) A description of the facts relating to the alleged infringement, including, to the extent known to the claimant:

(A) Which exclusive rights provided under 17 U.S.C. 106 are at issue;

(B) When the alleged infringement began;

(C) The name(s) of all person(s) or organization(s) alleged to have participated in the infringing activity;

(D) The facts leading the claimant to believe the work has been infringed;

(E) Whether the alleged infringement has continued through the date the claim was filed, or, if it has not, when the alleged infringement ceased;

(F) Where the alleged act(s) of infringement occurred (*e.g.,* a physical or online location); and

(G) If the claim of infringement is asserted against an online service provider as defined in 17 U.S.C. 512(k)(1)(B) for infringement by reason of the storage of or referral or linking to infringing material that may be subject to the limitations on liability set forth in 17 U.S.C. 512(b), (c), or (d), an affirmance that the claimant has previously notified the service provider of the claimed infringement in accordance with 17 U.S.C. 512(b)(2)(E), (c)(3), or (d)(3), as applicable, and that the service provider failed to remove or disable access to the material expeditiously upon the provision of such notice;

(8) For a declaration of noninfringement claim asserted under paragraph (c)(1)(ii) of this section—

(i) The name(s) of the person(s) or organization(s) asserting that the claimant has infringed a copyright;

(ii) The following information for each work alleged to have been infringed, if that information is known to the claimant:

(A) The title;

(B) If a copyright registration has issued for the work, the registration number and effective date of registration;

(C) If an application for copyright has been submitted, but a registration has not yet issued, the service request number (SR number) and registration application date; and

(D) The work of authorship category, as set forth in 17 U.S.C. 102, or, if the claimant is unable to determine which category is applicable, a brief description of the nature of the work;

(iii) A brief description of the claimant's activity at issue in the claim, including, to the extent known to the claimant:

(A) Any exclusive rights provided under 17 U.S.C. 106 that may be implicated;

(B) When the activities at issue began and, if applicable, ended;

(C) Whether the activities at issue have continued through the date the claim was filed;

(D) The name(s) of all person(s) or organization(s) who participated in the allegedly infringing activity; and

(E) Where the activities at issue occurred (*e.g.,* a physical or online location);

(iv) A brief statement describing the reasons why the claimant believes that no infringement occurred, including any relevant history or agreements between the parties and whether claimant currently believes any exceptions and limitations as set forth in 17 U.S.C. 107 through 122 are implicated; and

(v) A brief statement describing the reasons why the claimant believes that there is an actual controversy concerning the requested declaration;

(9) For a misrepresentation claim asserted under paragraph (c)(1)(iii) of this section—

(i) The sender of the notification of claimed infringement;

(ii) The recipient of the notification of claimed infringement;

(iii) The date the notification of claimed infringement was sent, if known;

(iv) A description of the notification;

(v) If a counter notification was sent in response to the notification—

(A) The sender of the counter notification;

(B) The recipient of the counter notification;

(C) The date the counter notification was sent, if known; and

(D) A description of the counter notification;

(vi) The words in the notification or counter notification that allegedly constituted a misrepresentation; and

(vii) An explanation of the alleged misrepresentation;

(10) For infringement claims and misrepresentation claims, a statement describing the harm suffered by the claimant(s) as a result of the alleged activity and the relief sought by the claimant(s). Such statement may, but is not required to, include an estimate of any monetary relief sought;

(11) Whether the claimant requests that the proceeding be conducted as a ''smaller claim'' under 17 U.S.C. 1506(z), and would accept a limitation on total damages of $5,000 if the request is granted; and

(12) A certification under penalty of perjury by the claimant, the claimant's legal counsel, or the claimant's *authorized representative* that the information provided in the claim is accurate and truthful to the best of the certifying person's knowledge and, if the certifying person is not the claimant, that the certifying person has confirmed the accuracy of the information with the claimant. The certification shall include the typed signature of the certifying person.

(d) *Additional matter.* The claimant may also include, as attachments to or files accompanying the claim, any material the claimant believes plays a significant role in setting forth the facts of the claim, such as:

(1) A copy of the copyright registration certificate for a work that is the subject of the proceeding;

(2) A copy of the copyrighted work alleged to be infringed. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows where the allegedly infringed work has been posted;

(3) A copy of the allegedly infringing material. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows any allegedly infringing activity;

(4) For a misrepresentation claim, a copy of the notification of claimed infringement that is alleged to contain the misrepresentation;

(5) For a misrepresentation claim, a copy of the counter notification that is alleged to contain the misrepresentation;

(6) For a declaration of noninfringement claim, a copy of the demand letter(s) or other correspondence that created the dispute; and

(7) Any other exhibits that play a significant role in setting forth the facts of the claim.

(e) *Additional information required during claim submission.* In connection with the submission of the claim the claimant shall also provide—

(1) For any claimant that is represented by legal counsel or an *authorized representative,* the email address and telephone number of that claimant. Such information shall not be part of the claim; and

(2) Any further information that the Board may determine should be provided.

(f) *Respondent address requirement for claim submission.* Any claim for which a respondent's mailing address has not been provided pursuant to paragraph (c)(6) of this section shall not be found compliant under 37 CFR 224.1 unless the claimant provides the address of the respondent to the Board within 60 days of the date the claim was

filed under paragraph (a) of this section. If the claimant does not provide a respondent address within that period of time, the Board may dismiss the claim without prejudice.

§ 222.3 Initial notice.

(a) *Content of initial notice.* The Board shall prepare an *initial notice* for the claimant(s) to serve on each respondent that shall—

(1) Include on the first page a caption that provides the parties' names and includes the docket number assigned by the Board;

(2) Be addressed to the respondent;

(3) Provide the name(s) and mailing address(es) of the claimant(s);

(4) For any claimant that is represented by legal counsel or an *authorized representative,* provide the name(s), mailing address(es), email address(es), and telephone number(s) of such legal counsel or *authorized representative;*

(5) For any claimant that is not represented by legal counsel or an *authorized representative,* provide the email address and telephone number of that claimant;

(6) Advise the respondent that a legal proceeding that could affect the respondent's legal rights has been commenced by the claimant(s) in the Board against the respondent;

(7) Identify the nature of the claims asserted against the respondent, which shall consist of at least one of the following:

(i) A claim for infringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106;

(ii) A claim for a declaration of noninfringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106; and

(iii) A claim under 17 U.S.C. 512(f) for misrepresentation in connection with—

(A) A notification of claimed infringement; or

(B) A counter notification seeking to replace removed or disabled material;

(8) Describe the Board, including that it is a three-member tribunal within the Copyright Office that has been established by law to resolve certain copyright disputes in which the total monetary recovery does not exceed $30,000;

(9) State that the respondent has the right to opt out of participating in the proceeding, and that the consequence of opting out is that the proceeding shall be dismissed without prejudice and the claimant shall have to determine whether to file a lawsuit in a Federal district court;

(10) State that if the respondent does not opt out within 60 days from the day the respondent received the *initial notice,* the proceeding shall go forward and the respondent shall—

(i) Lose the opportunity to have the dispute decided by the Federal court system, created under Article III of the Constitution of the United States; and

(ii) Waive the right to have a trial by jury regarding the dispute;

(11) State that the notice is in regard to an official Government proceeding and provide information on how to access the docket of the proceeding in eCCB;

(12) Provide information on how to become a registered user of eCCB;

(13) State that parties may represent themselves in the proceeding, but note that a party may wish to consult with legal counsel or with a law school clinic, and provide reference to pro bono resources (*i.e.,* legal services provided without charge for those services) which may be available and are listed on the Board's website;

(14) Indicate where other pertinent information concerning proceedings before the Board may be found on the Board's website;

(15) Provide direction on how a respondent may opt out of the proceeding, either online or by mail; and

(16) Include any additional information that the Board may determine should be included.

(b) *Service of initial notice.* Following notification from the Board pursuant to 17 U.S.C. 1506(f)(1)(A) to proceed with service of the claim, the claimant shall cause the *initial notice,* the claim, the opt-out notification form, and any other documents required by the direction of the Board to be served with the *initial notice* and the claim, upon each respondent as prescribed in § 222.5(b) and 17 U.S.C. 1506(g). The copy of the claim that is served shall be of the claim that was found to be compliant under 37 CFR 224.1, and is, at the time of service, available on eCCB. The *initial notice,* the claim, the opt-out notification form, and any other document required by the Board shall not be accompanied by any additional substantive communications or materials, including without limitation settlement demands, correspondence purporting to describe the claim or the strength of the claim, or exhibits not filed with the claim, when served by the claimant(s).

§ 222.4 Second notice.

(a) *Content of second notice.* The *second notice* to the respondent shall—

(1) Include on the first page a caption that provides the parties' names and the docket number;

(2) Be addressed to the respondent, using the address that appeared in the *initial notice* or an updated address, if an updated address was provided to the Board prior to service of the *second notice;*

(3) Include the contact information for the claimant(s) and claimant's legal counsel or *authorized representative,* for any claimant represented by legal counsel or an *authorized representative;*

(4) Advise the respondent that a proceeding that could affect the respondent's legal rights has been commenced by the claimant(s) in the Board against the respondent;

(5) Identify the nature of the claims asserted against the respondent, which shall consist of at least one of the following:

(i) A claim for infringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106;

(ii) A claim for a declaration of noninfringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106; and

(iii) A claim under 17 U.S.C. 512(f) for misrepresentation in connection with—

(A) A notification of claimed infringement; or

(B) A counter notification seeking to replace removed or disabled material;

(6) Describe the Board, including that it is a three-member tribunal within the Copyright Office that has been established by law to resolve certain copyright disputes in which the total monetary recovery does not exceed $30,000;

(7) State that the respondent has the right to opt out of participating in the proceeding, and that the consequence of opting out is that the proceeding shall be dismissed and the claimant shall have to determine whether to file a lawsuit in a Federal district court;

(8) State that if the respondent does not opt out within 60 days from the day the respondent received the *initial notice,* the consequences are that the proceeding shall go forward and the respondent shall—

(i) Lose the opportunity to have the dispute decided by the Federal court system, created under Article III of the Constitution of the United States; and

(ii) Waive the right to have a trial by jury regarding the dispute;

(9) Provide information on how to access the docket of the proceeding in eCCB and how to become a registered user of that system;

(10) State that the notice is in regard to an official Government proceeding and provide information on how to access the docket of the proceeding eCCB;

(11) Provide information on how to become a registered user of eCCB;

(12) State that parties may represent themselves in the proceeding, but note that a party may wish to consult with legal counsel or with a law school clinic, and provide reference to pro bono resources (*i.e.,* legal services provided without charge for those services) which may be available and are listed on the Board's website;

(13) Indicate where other pertinent information concerning proceedings before the Board may be found on the Board's website;

(14) Provide direction on how a respondent may opt out of the proceeding, either online or by mail;

(15) Be accompanied by the documents described in § 222.3(b); and

(16) Include any additional information or documents at the Board's direction.

(b) *Timing of second notice.* The Board shall issue the *second notice* in the manner prescribed by § 222.5(d)(2) no later than 20 days after the claimant files proof of service or a completed waiver of service with the Board, unless the respondent has already submitted an opt-out notification pursuant to 37 CFR 223.1.

§ 222.5 Service; waiver of service; filing.

(a) *In general.* Unless specified otherwise, all filings made by a party in CCB proceedings must be filed in eCCB. Except as provided elsewhere in this section, documents are served on a party who is a registered user of the eCCB and filed with the Board by submitting them to eCCB. Service is complete upon filing, but is not effective if the filer learns that it did not reach the person to be served.

(b) *Service of initial notice, claim, and related documents*—(1) *Timing of service.* A claimant may proceed with service of a claim only after the claim is reviewed by a Copyright Claims Attorney and the claimant is notified that the claim is compliant under 37 CFR 224.1.

(2) *Service methods.* (i) Service of the *initial notice,* the claim, and other documents required by this part or the Board to be served with the *initial notice* and claim shall be made as provided under 17 U.S.C. 1506(g), as supplemented by this section.

(ii) If a corporation, partnership, or unincorporated association has designated a service agent under 17 U.S.C. 1506(g)(5)(B) and § 222.6, service must be made by certified mail or by any other method that the entity specifies in its designation under § 222.6 that it will accept.

(3) *Filing of proof of service.* (i) No later than the earlier of seven calendar days after service of the *initial notice* and all accompanying documents under paragraph (b) of this section and 90 days after receiving notification of compliance, a claimant shall file a completed proof of service form through eCCB. The proof of service form shall be located on the Board's website.

(ii) The claimant's failure to comply with the filing deadline in paragraph (b)(3)(i) of this section may constitute exceptional circumstances justifying an extension of the 60-day period in which a respondent may deliver an opt-out notification to the Board under 17 U.S.C. 1506(i).

(c) *Waiver of personal service*—(1) *Delivery of request for waiver of service.* A claimant may request that a respondent waive personal service as provided by 17 U.S.C. 1506(g)(6) by delivering, via first class mail, the following to the respondent:

(i) A completed waiver of personal service form provided on the Board's website;

(ii) The documents described in § 222.3, including the *initial notice* and the claim; and

(iii) An envelope, with postage prepaid and addressed to the claimant requesting the waiver or, for a claimant represented by legal counsel or an *authorized representative,* to that claimant's legal counsel or *authorized representative.*

(2) *Content of waiver of service request.* The request for waiver of service shall be prepared using a form provided by the Board that shall—

(i) Bear the name of the Board;

(ii) Include on the first page and waiver page the caption identifying the parties and the docket number;

(iii) Be addressed to the respondent;

(iv) Contain the date of the request;

(v) Notify the respondent that a legal proceeding has been commenced by the claimant(s) before the Board against the respondent;

(vi) Advise that the form is not a summons or official notice from the Board;

(vii) Request that respondent waive formal service of summons by signing the enclosed waiver;

(viii) State that a waiver of personal service shall not constitute a waiver of the right to opt out of the proceeding;

(ix) Describe the effect of agreeing or declining to waive service;

(x) Include a waiver of personal service form provided by the Board, containing a clear statement that waiving service does not affect the respondent's ability to opt out of the proceeding and that, if signed and returned by the respondent, will include—

(A) An affirmation that the respondent is waiving service;

(B) An affirmation that the respondent understands that the respondent may opt out of the proceeding within 60 days of receiving the request;

(C) The name and mailing address of the respondent;

(D) For a respondent that is represented by legal counsel or an *authorized representative,* the name(s), mailing address(es), email address(es), and telephone number(s) of such legal counsel or *authorized representative;*

(E) For a respondent that is not represented by legal counsel or an *authorized representative,* the email address and telephone number of that respondent; and

(F) The typed, printed, or handwritten signature of the respondent or, if the respondent is represented by legal counsel or an *authorized representative,* the typed, printed, or handwritten signature of the respondent's legal counsel or *authorized representative.* If the signature is handwritten, it shall be accompanied by a typed or printed name; and

(xi) Not be accompanied by any other substantive communications.

(3) *Completing waiver of service.* The respondent may complete waiver of service by returning the signed waiver form in the postage prepaid envelope to claimant by mail or, if the claimant also provides an email address to which the waiver of personal service form may be returned, by means of an email to which a copy of the signed form is attached. Waiving service does not affect a respondent's ability to opt out of a proceeding.

(4) *Timing of completing waiver.* The respondent has 30 days from the date on which the request was sent to return the waiver form.

(5) *Filing of waiver.* Where the respondent has completed the waiver form, the claimant must submit the completed waiver form to the Board no later than the earlier of seven calendar days after the date the claimant received the signed waiver form from the respondent or 90 days after receiving notification of compliance.

(d) *Service by the Copyright Claims Board*—(1) *In general.* Except as otherwise provided in this paragraph (d), the Board shall serve one copy of all orders, notices, decisions, rulings on motions, and similar documents issued by the Board upon each party through eCCB.

(2) *Service of second notice.* (i) The Board shall serve the *second notice* required under 17 U.S.C. 1506(h) and § 222.4, along with the documents described in § 222.3(b), by sending them by mail to the respondent at the address provided—

(A) In the designated service agent directory, if the respondent is a corporation, partnership, or unincorporated association that has designated a service agent; and, if not,

(B) By the claimant in the claim or, in a subsequent communication correcting the address.

(ii) The Board shall also serve the *second notice* by email if an email address for the respondent has been provided in the designated service agent directory or by the claimant.

(3) *Service of order regarding second filing fee and electronic filing registration on claimants.* The Board shall serve the orders set forth in § 222.7—

(i) On any respondents that have not registered for eCCB in the manner set forth in paragraph (d)(2) of this section; and

(ii) On any claimants that have not registered for eCCB by sending such documents—

(A) By mail at the address provided for the claimant in the claim and by email at the email address provided for the claimant in the claim; or

(B) If the claimant is represented by legal counsel or an *authorized representative,* by mail at the address provided for such counsel or *authorized representative* in the claim and by email at the email address provided for such legal counsel or *authorized representative* in the claim.

(e) *Service of discovery requests, responses, and responsive documents*—(1) *Service of discovery requests, responses, and responsive documents.* Except as provided in paragraph (f) of this section, unless the parties agree in writing to other arrangements, discovery requests and responses shall be served by email and documents or other evidence responsive to discovery requests shall be served by email where the size and format of the documents or evidence make such service reasonably possible. If such documents or other evidence cannot reasonably be served by email, the parties shall confer and agree to other arrangements. Should the parties be unable to agree to other arrangements, such documents or other evidence shall be served by mail. Service is complete upon sending, but service is not effective if the sender learns that it did not reach the party to be served.

(i) If a party is represented by legal counsel or an *authorized representative,* service under this paragraph must be made on the legal counsel or *authorized representative* at that legal counsel's or *authorized representative's* email address, or mailing address provided in the claim, response, or notice of appearance, unless the Board orders service on the party.

(ii) If a party is not represented, service under this paragraph (e)(1) must be made on the party at the email address or mailing address provided by that party in the claim or response.

(2) *Filing generally prohibited.* Unless the Board orders otherwise, discovery requests and responses should not be filed with the Board unless a party relies on the request or response as part of another filing in the proceeding.

(f) *Waiver of electronic filing and service requirements.* In exceptional circumstances, an individual not represented by legal counsel or an *authorized representative* may request that the Board waive the electronic filing and service requirements set forth in this subchapter. Whether such a waiver is granted is at the Board's discretion. If a waiver is granted, the Board shall instruct the parties as to the filing and service requirements for that proceeding based on consideration of the circumstances of the proceeding and the parties.

■ 7. Add §§ 222.7 through 222.10 to read as follows:

Sec.

* * * * *

222.7 Order regarding second filing fee and electronic filing registration.
222.8 Response.
222.9 Counterclaim.
222.10 Response to counterclaim.

§ 222.7 Order regarding second filing fee and electronic filing registration.

(a) *Issuance of order.* Once a proceeding has become active with respect to all respondents who have been served and have not opted out within the 60-day period set forth in 17 U.S.C. 1506(i), the Board shall issue an order to all parties in the proceeding providing that within 14 days of the order—

(1) The claimant must submit the second payment of the filing fee set forth in 37 CFR 201.3(g) through eCCB; and

(2) All claimant(s) and respondent(s) must register for eCCB unless they have been granted a waiver pursuant to § 222.5(f).

(b) *Receipt of second payment from claimant*—(1) *Confirmation of active proceeding.* Upon receipt of the second payment of the filing fee set forth in 37 CFR 201.3(g) and after completion of the 14-day period specified in the Board's order, the Board shall issue a scheduling order through eCCB.

(2) *Notice to respondent.* If any claimant or respondent has not registered for eCCB, the scheduling order shall be accompanied by a notice to those parties that unless they have been granted a waiver pursuant to § 222.5(f), they must register for eCCB and that a failure to do so within a time set by the Board may result in default or failure to prosecute. Such scheduling order and notice shall be served on the respondent according to the procedures set forth in § 222.5(d)(2).

(c) *Failure of claimant to submit second payment.* If the claimant(s) fails to submit the second payment of the filing fee set forth in 37 CFR 201.3(g) within 14 days from the date of the Board's order, the Board shall issue another notice to the claimant(s), which shall provide that the proceeding shall be dismissed without prejudice unless the claimant(s) submits the second payment of the filing fee within 14 days. If the claimant(s) fails to submit the second payment of the filing fee within 14 days of the issuance of that notice, the Board shall dismiss the proceeding without prejudice, unless the Board finds that the proceeding should not be dismissed in the interests of justice.

§ 222.8 Response.

(a) *Filing a response.* Following receipt of the scheduling order in an active proceeding, each respondent shall file a response through eCCB using the response form provided by the Board. Except for respondents who are represented by the same legal counsel or *authorized representative,* each respondent shall submit a separate response.

(b) *Content of response.* The response shall include—

(1) The name and mailing address of the respondent(s) and, for any respondents represented by legal counsel or an *authorized representative,* of such respondent's legal counsel or *authorized representative;*

(2) The phone number and email address of—

(i) The respondent, if the respondent is not represented by legal counsel or an *authorized representative;* or

(ii) The legal counsel or other *authorized representative* for the respondent, if the respondent is represented by legal counsel or an *authorized representative;*

(3) A short statement, if applicable, disputing any facts asserted in the claim;

(4) For infringement claims brought under 17 U.S.C. 1504(c)(1), a statement describing in detail the dispute regarding the alleged infringement, including reasons why the respondent contends that it has not infringed the claimant's copyright, and any additional defenses, including whether any exceptions and limitations as set forth

in 17 U.S.C. 107 through 122 are implicated;

(5) For declaration of noninfringement claims brought under 17 U.S.C. 1504(c)(2), a statement describing in detail the dispute regarding the alleged infringement, including reasons why the respondent contends that its copyright has been infringed by claimant, and any additional defenses the respondent may have to the claim;

(6) For misrepresentation claims brought under 17 U.S.C. 1504(c)(3), a statement describing in detail the dispute regarding the alleged misrepresentation, including an explanation of why the respondent believes the identified words do not constitute misrepresentation, and any additional defenses the respondent may have to the claim;

(7) Any counterclaims pursuant to § 222.9; and

(8) A certification under penalty of perjury by the respondent or the respondent's legal counsel or *authorized representative* that the information provided in the response is accurate and truthful to the best of the certifying person's knowledge and, if the certifying person is not the respondent, that the certifying person has confirmed the accuracy of the information with the respondent. The certification shall include the typed signature of the certifying person.

(c) *Additional matter.* The respondent may also include, as attachments to or files that accompany the response, any material the respondent believes plays a significant role in setting forth the facts of the claim, such as:

(1) A copy of the copyright registration certificate for a work that is the subject of the proceeding;

(2) A copy of the allegedly infringed work. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows where the allegedly infringed work has been posted;

(3) A copy of the allegedly infringing material. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows any allegedly infringing activity;

(4) A copy of the notification of claimed infringement that is alleged to contain the misrepresentation;

(5) A copy of the counter notification that is alleged to contain the misrepresentation; and

(6) Any other exhibits that play a significant role in setting forth the facts of the response.

(d) *Additional information required during response submission.* In connection with the submission of the response the respondent shall also provide—

(1) For any respondent that is represented by legal counsel or an *authorized representative,* the email address and telephone number of that respondent. Such information shall not be part of the response; and

(2) Any further information that the Board may determine should be provided.

(e) *Timing of response.* The respondent has 30 days from the issuance of the scheduling order to submit a response. If the respondent waived personal service, the respondent will have an additional 30 days to submit the response.

(f) *Failure to file response.* A failure to file a response within the required timeframe may constitute a default under 17 U.S.C. 1506(u).

§ 222.9 Counterclaim.

(a) *Asserting a counterclaim.* Any party can assert a counterclaim falling under the jurisdiction of the Board that also—

(1) Arises out of the same transaction or occurrence as the initial claim; or

(2) Arises under an agreement pertaining to the same transaction or occurrence that is subject to an initial claim of infringement, if the agreement could affect the relief awarded to the claimant.

(b) *Electronic filing requirement.* A party may submit a counterclaim through eCCB using the counterclaim form provided by the Board.

(c) *Content of counterclaim.* The counterclaim shall include—

(1) The name of the party or parties against whom the counterclaim is asserted;

(2) An identification of the counterclaim, which shall consist of at least one of the following:

(i) A claim for infringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106;

(ii) A claim for a declaration of noninfringement of an exclusive right in a copyrighted work provided under 17 U.S.C. 106; or

(iii) A claim under 17 U.S.C. 512(f) for misrepresentation in connection with—

(A) A notification of claimed infringement; or

(B) A counter notification seeking to replace removed or disabled material;

(3) For an infringement counterclaim asserted under paragraph (c)(2)(i) of this section—

(i) That the counterclaimant is the legal or beneficial owner of rights in a work protected by copyright and, if there are any co-owners, their names;

(ii) The following information for each work at issue in the counterclaim:

(A) The title of the work;

(B) The author(s) of the work;

(C) If a copyright registration has issued for the work, the registration number and effective date of registration;

(D) If an application for copyright has been submitted but a registration has not yet issued, the service request number (SR number) and registration application date; and

(E) The work of authorship category, as set forth in 17 U.S.C. 102, for each work at issue, or, if the counterclaimant is unable to determine the applicable category, a brief description of the nature of the work;

(iii) A description of the facts relating to the alleged infringement, including, to the extent known to the counterclaimant:

(A) Which exclusive rights provided under 17 U.S.C. 106 are at issue;

(B) When the alleged infringement began;

(C) The name(s) of all person(s) or organization(s) alleged to have participated in the infringing activity;

(D) The facts leading the counterclaimant to believe the work has been infringed;

(E) Whether the alleged infringement has continued through the date the claim was filed, or, if it has not, when the alleged infringement ceased;

(F) Where the alleged act(s) of infringement occurred; and

(G) If the claim of infringement is asserted against an online service provider as defined in 17 U.S.C. 512(k)(1)(B) for infringement by reason of the storage of or referral or linking to infringing material that may be subject to the limitations on liability set forth in 17 U.S.C. 512(b), (c), or (d), an affirmance that the counterclaimant has previously notified the service provider of the claimed infringement in accordance with 17 U.S.C. 512(b)(2)(E), (c)(3), or (d)(3), as applicable, and that the service provider failed to remove or disable access to the material expeditiously upon the provision of such notice;

(4) For a declaration of noninfringement counterclaim asserted under paragraph (c)(2)(ii) of this section—

(i) The name(s) of the person(s) or organization(s) asserting that the counterclaimant has infringed a copyright;

(ii) The following information for each work alleged to have been infringed, if that information is known to the counterclaimant:

(A) The title;

(B) If a copyright registration has issued for the work, the registration

number and effective date of registration;

(C) If an application for copyright has been submitted, but a registration has not yet issued, the service request number (SR number) and registration application date; and

(D) The work of authorship category, as set forth in 17 U.S.C. 102, or, if the counterclaimant is unable to determine which category is applicable, a brief description of the nature of the work;

(iii) A brief description of the activity at issue in the claim, including, to the extent known to the counterclaimant:

(A) Any exclusive rights provided under 17 U.S.C. 106 that may be implicated;

(B) When the activities at issue began and, if applicable, ended;

(C) Whether the activities at issue have continued through the date the claim was filed;

(D) The name(s) of all person(s) or organization(s) who participated in the allegedly infringing activity; and

(E) Where the activities at issue occurred;

(iv) A brief statement describing the reasons why the counterclaimant believes that no infringement occurred, including any relevant history or agreements between the parties and whether counterclaimant currently believes any exceptions and limitations as set forth in 17 U.S.C. 107 through 122 are implicated; and

(v) A brief statement describing the reasons why the counterclaimant believes that there is an actual controversy concerning the requested declaration;

(5) For a misrepresentation counterclaim asserted under paragraph (c)(2)(iii) of this section—

(i) The sender of the notification of claimed infringement;

(ii) The recipient of the notification of claimed infringement;

(iii) The date the notification of claimed infringement was sent, if known;

(iv) A description of the notification;

(v) If a counter notification was sent in response to the notification—

(A) The sender of the counter notification;

(B) The recipient of the counter notification;

(C) The date the counter notification was sent, if known; and

(D) A description of the counter notification;

(vi) The words in the notification or counter notification that allegedly constituted a misrepresentation; and

(vii) An explanation of the alleged misrepresentation;

(6) For infringement claims and misrepresentation claims, a statement describing the harm suffered by the claimant(s) as a result of the alleged activity and the relief sought by the claimant(s). Such statement may, but is not required to, include an estimate of any monetary relief sought;

(7) A statement describing the relationship between the initial claim and the counterclaim; and

(8) A certification under penalty of perjury by the counterclaimant or the counterclaimant's legal counsel or *authorized representative* that the information provided in the counterclaim is accurate and truthful to the best of the certifying person's knowledge and, if the certifying person is not the counterclaimant, that the certifying person has confirmed the accuracy of the information with the counterclaimant. The certification shall include the typed signature of the certifying person.

(d) *Additional matter.* The counterclaimant may also include, as attachments to or files that accompany the counterclaim, any material the counterclaimant believes plays a significant role in setting forth the facts of the claim, such as:

(1) A copy of the copyright registration certificate for a work that is the subject of the proceeding;

(2) A copy of the allegedly infringed work. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows where the allegedly infringed work has been posted;

(3) A copy of the allegedly infringing material. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows any allegedly infringing activity;

(4) A copy of the notification of claimed infringement that is alleged to contain the misrepresentation;

(5) A copy of the counter notification that is alleged to contain the misrepresentation; and

(6) Any other exhibits that play a significant role in setting forth the facts of the counterclaim.

(e) *Timing of counterclaim.* A counterclaim must be served and filed with the respondent's response unless the Board, for good cause, permits a counterclaim to be asserted at a subsequent time.

§ 222.10 Response to counterclaim.

(a) *Filing a response to a counterclaim.* Within 30 days following the Board's issuance of notification that a counterclaim is compliant under 37 CFR 224.1, a claimant against whom a counterclaim has been asserted (counterclaim respondent) shall file a response to the counterclaim through eCCB using the response form provided by the Board.

(b) *Content of response to a counterclaim.* The response to a counterclaim shall include—

(1) The name, mailing address, phone number, and email address of each counterclaim respondent filing the response;

(2) A short statement, if applicable, disputing any facts asserted in the counterclaim;

(3) For counterclaims brought under 17 U.S.C. 1504(c)(1), a statement describing in detail the dispute regarding the alleged infringement, including any defenses as well as any reason why the counterclaim respondent believes there was no infringement of copyright, including any exceptions and limitations as set forth in 17 U.S.C. 107 through 122 that are implicated;

(4) For counterclaims brought under 17 U.S.C. 1504(c)(2), a statement describing in detail the dispute regarding the alleged infringement, including reasons why the counterclaim respondent believes there is infringement of copyright;

(5) For counterclaims brought under 17 U.S.C. 1504(c)(3), a statement describing in detail the dispute regarding the alleged misrepresentation and an explanation of why the counterclaim respondent believes the identified words do not constitute misrepresentation; and

(6) A certification under penalty of perjury by the claimant, the claimant's legal counsel, or the claimant's *authorized representative* that the information provided in the response to the counterclaim is accurate and truthful to the best of the certifying person's knowledge and, if the certifying person is not the counterclaim respondent, that the certifying person has confirmed the accuracy of the information with the counterclaim respondent. The certification shall include the typed signature of the certifying person.

(c) *Additional matter.* The counterclaim respondent may also include, as attachments to or files that accompany the counterclaim response, any material the counterclaim respondent believes play a significant role in setting forth the facts of the claim, such as:

(1) A copy of the copyright registration certificate for a work that is the subject of the proceeding;

(2) A copy of the allegedly infringed work. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that

shows where the allegedly infringed work has been posted;

(3) A copy of the allegedly infringing material. This copy may also be accompanied by additional information, such as a hyperlink or screenshot, that shows any allegedly infringing activity;

(4) A copy of the notification of claimed infringement that is alleged to contain the misrepresentation;

(5) A copy of the counter notification that is alleged to contain the misrepresentation; and

(6) Any other exhibits that play a significant role in setting forth the facts of the counterclaim response.

(d) *Failure to file counterclaim response.* A failure to file a counterclaim response within the timeframe required by this section may constitute a default under 17 U.S.C. 1506(u), and the Board may begin default proceedings.

PART 223—OPT–OUT PROVISIONS

■ 8. The authority citation for part 223 continues to read as follows:

Authority: 17 U.S.C. 702, 1510.

■ 9. Add § 223.1 to read as follows:

§ 223.1 Respondent's opt-out.

(a) *Effect of opt-out on particular proceeding.* A respondent may opt out of a proceeding before the Copyright Claims Board (Board) pursuant to 17 U.S.C. 1506(i) following the procedures set forth in this section. A respondent's opt-out shall result in the dismissal of the claim without prejudice.

(b) *Content of opt-out notification.* The respondent's opt-out notification shall include—

(1) The docket number assigned by the Board and contained in either the *initial notice* served by the claimant or the *second notice;*

(2) The respondent's name;

(3) The respondent's mailing address;

(4) An affirmation that the respondent shall not appear before the Board with respect to the claim served by the claimant;

(5) A certification under penalty of perjury that the individual completing the notification is the respondent identified in the claim served by the claimant or is the legal counsel or *authorized representative* of the respondent identified in the claim and has been directed and authorized by the respondent to opt out of the particular proceeding; and

(6) The typed, printed, or handwritten signature of the respondent or its legal counsel or *authorized representative,* and, if the signature is handwritten, a typed or printed name.

(c) *Process of opting out.* Upon being served with a notice and claim, a respondent may complete the opt-out process by—

(1) Completing and submitting the Board's online opt-out notification form available through the Board's electronic filing system (eCCB) as identified in the *initial notice* and *second notice* and providing an email address for confirmation; or

(2) Completing and submitting the paper opt-out notification form included with the *initial notice* and *second notice,* providing a mailing address or email address to receive confirmation, and delivering it to the Board, either by—

(i) First-class mail, or other class of mail that is at least as expeditious, postage prepaid; or

(ii) A third party commercial carrier, that guarantees delivery no later than two days from the day of deposit with the service.

(3) An online or paper opt-out notification is not complete unless the confirmation code, provided with both the *initial notice* and *second notice,* is included in the submission.

(d) *Effect of improper service.* If a respondent is improperly served under 37 CFR 222.5 and completes the opt-out process described in paragraph (c) of this section, a respondent's timely opt-out will still be effective and result in the dismissal of the claim without prejudice.

(e) *Timing of opt out.* The respondent has 60 days from the date of service or waiver of service to provide notice of its opt-out election. When the last day of that period falls on a weekend or a Federal holiday, the ending date shall be extended to the next Federal work day.

(1) When opting out via the online form under paragraph (c)(1) of this section, the respondent's opt-out notification must be submitted by 11:59 p.m. Eastern Time on the last day of the opt-out period.

(2) When opting out under paragraph (c)(2) of this section, the respondent's opt-out notification must be postmarked, dispatched by a commercial carrier, courier, or messenger, or hand-delivered to the Office no later than the 60-day deadline.

(f) *Extension of opt-out period.* The Board may extend the 60-day period to opt out in exceptional circumstances and in the interests of justice and upon written notice to the claimant. Either a respondent individually or the parties jointly may contact the Board through a Copyright Claims Attorney to request an extension of the opt-out period.

(g) *Multiple respondents.* In claims involving multiple respondents, each respondent who elects to opt out must separately complete the opt-out process.

(h) *Confirmation of opt-out.* When a respondent has completed the opt-out process, the Board shall notify all parties to the proceeding.

(i) *Effect of opt out on refiled claims.* If the claimant attempts to refile a claim against the same respondent(s), covering in substance the same acts and the same theories of recovery after the respondent's initial opt-out notification, the Board shall apply the prior opt-out election and dismiss the claim unless the claimant can demonstrate that the respondent affirmatively has agreed to resubmission of the parties' dispute to the Board for resolution.

(j) *Effect of opt-out on unrelated claims.* The respondent's opt-out for a particular claim shall not be construed as an opt-out for claims involving different acts or different theories of recovery.

■ 10. Add part 224 to read as follows:

PART 224—REVIEW OF CLAIMS BY OFFICERS AND ATTORNEYS

Sec.
224.1 Compliance review.
224.2 Dismissal for unsuitability.

Authority: 17 U.S.C. 702, 1510.

§ 224.1 Compliance review.

(a) *Compliance review by Copyright Claims Attorney.* Upon the filing of a claim or counterclaim with the Copyright Claims Board (Board), a Copyright Claims Attorney shall review the claim for compliance with 17 U.S.C. chapter 15 and this subchapter, as provided in this section.

(b) *Substance of compliance review.* The Copyright Claims Attorney shall review the claim or counterclaim for compliance with all legal and formal requirements for a claim or counterclaim before the Board, including:

(1) The provisions set forth under this subchapter;

(2) The requirements set forth in 17 U.S.C. 1504(c), (d), and (e)(1); and

(3) Whether the allegations in the claim or the counterclaim clearly do not state a claim upon which relief can be granted.

(c) *Issuing finding.* Upon completing a compliance review, the Copyright Claims Attorney shall notify the party that submitted the document in accordance with 37 CFR 222.5 and 17 U.S.C. 1506(f) by—

(1) Informing the claimant or counterclaimant that the claim or counterclaim has been found to comply

with the applicable statutory and regulatory requirements and instructing the claimant to proceed with service under 37 CFR 222.5 and 17 U.S.C. 1506(g); or

(2) Informing the claimant or counterclaimant that the claim or counterclaim, respectively, does not comply with the applicable statutory and regulatory requirements and identifying the noncompliant issue(s) according to the procedure set forth in 17 U.S.C. 1506(f).

(d) *Dismissal without prejudice.* If the original claim and an amended claim were previously reviewed by the Copyright Claims Attorney and were found not to comply with the applicable statutory and regulatory requirements, and if the Copyright Claims Attorney concludes, following the submission of a second amended claim, that the claim still does not comply with the applicable statutory and regulatory requirements, the claim shall be referred to a Copyright Claims Officer who shall confirm whether the second amended claim complies with the applicable statutory and regulatory requirements. If the Copyright Claims Officer concurs with the conclusion of the Copyright Claims Attorney, the proceeding shall be dismissed without prejudice.

(e) *Clearance is not endorsement.* The finding that a claim or counterclaim complies with the applicable statutory and regulatory requirements does not constitute a determination as to the validity of the allegations asserted or other statements made in the claim or counterclaim.

(f) *No factual investigations.* For the purpose of the compliance review, the Copyright Claims Attorney shall accept the facts stated in the claim or counterclaim materials, unless they are clearly contradicted by information provided elsewhere in the materials or in the Board's records. The Copyright Claims Attorney shall not conduct an investigation or make findings of fact; however, the Copyright Claims Attorney may take administrative notice of facts or matters that are well known to the general public, and may use that knowledge during review of the claim or counterclaim.

§ 224.2 Dismissal for unsuitability.

(a) *Review by Copyright Claims Attorney.* During the compliance review under § 224.1, the Copyright Claims Attorney shall review the claim or counterclaim for unsuitability on grounds set forth in 17 U.S.C. 1506(f)(3). If the Copyright Claims Attorney concludes that the claim should be dismissed for unsuitability, the Copyright Claims Attorney shall recommend to the Board that the Board dismiss the claim and shall set forth the basis for that conclusion.

(b) *Dismissal by the Board for unsuitability.* (1) If, upon recommendation by a Copyright Claims Attorney as set forth in paragraph (a) of this section or at any other time in the proceeding upon the request of a party or on its own initiative, the Board determines that a claim or counterclaim should be dismissed for unsuitability under 17 U.S.C. 1506(f)(3), the Board shall issue an order stating its intention to dismiss the claim without prejudice.

(2) Within 30 days following issuance of an order under paragraph (b) of this section, the claimant or counterclaimant may request that the Board reconsider its determination. The respondent or counterclaim respondent may file a response within 30 days following service of the claimant's request.

(3) Following the expiration of the time for the respondent or counterclaim respondent to submit a response, the Board shall render its final decision whether to dismiss the claim for unsuitability.

(c) *Request by a party to dismiss a claim or counterclaim for unsuitability.* At any time, any party who believes that a claim or counterclaim is unsuitable for determination by the Board may file a request providing the basis for such belief. An opposing party may file a response within 14 days of the date of service of the request, setting forth the basis for such opposition to the request. There will be no reply papers related to a request to dismiss for unsuitability unless ordered by the Board in its discretion.

Dated: March 16, 2022.

Shira Perlmutter,

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2022–06264 Filed 3–24–22; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0221; FRL–9598–02–R9]

Approval and Promulgation of Implementation Plans; California; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On August 28, 2009, the Environmental Protection Agency (EPA) issued a final rule titled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District.'' That publication inadvertently omitted regulatory text rescinding four previously approved rules for the Antelope Valley Air Quality Management District portion of the California State Implementation Plan (SIP). On September 20, 2016, the EPA issued a final rule titled ''Approval of California Air Plan Revisions, Department of Pesticide Regulations.'' That publication listed the wrong EPA approval dates and **Federal Register** citations for certain rules. The EPA is taking direct final action to correct these errors.

DATES: This rule is effective on May 24, 2022 without further notice unless the EPA receives adverse comments by April 25, 2022. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2022–0221 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3073 or by email at *gong.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, we mean the EPA. Information is organized as follows:

Table of Contents

I. Background
II. What the EPA Is Doing in This Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Under the Clean Air Act (CAA or ''Act''), the states are responsible for adopting and submitted SIPs and SIP revisions to implement, maintain and enforce the NAAQS and to meet other related requirements under the CAA and the EPA's implementing regulations. The EPA is responsible for taking action to approve, disapprove or conditionally approve, in whole or in part, SIPs and SIP revisions that have been adopted by the states and submitted to the EPA. The EPA reviews such SIPs and SIP revisions for compliance with all applicable requirements of the CAA and the EPA's implementing regulations.

A. Addition of Regulatory Text Rescinding Certain Rules Applicable Within the Antelope Valley Portion of California SIP

Formed in 1997, the Antelope Valley Air Quality Management District (AQMD) administers air quality management programs in the Mojave Desert portion of Los Angeles County that is referred to as ''Antelope Valley.'' The Antelope Valley AQMD portion of the California SIP includes rules adopted by various air pollution control agencies that had jurisdiction over stationary sources in Antelope Valley since 1972, including the Los Angeles County Air Pollution Control District (APCD), the Southern California APCD, the South Coast Air Quality Management District (AQMD), and the Antelope Valley AQMD.

On August 28, 2009 (74 FR 44294), the EPA took direct final action to approve Antelope Valley AQMD Rule 1173 (''Fugitive Emissions of Volatile Organic Compounds'') and to approve the rescission of four rules originally adopted by the South Coast AQMD and carried forward as part of the SIP for Antelope Valley when the Antelope Valley AQMD was established: Rule 465 (''Vacuum Producing Devices or Systems''), Rule 466 (''Pumps and Compressors''), Rule 466.1 (''Valves and Flanges'') and Rule 467 (''Pressure Relief Devices'').[1]

In our 2009 direct final rule, we added regulatory text for the approval of Antelope Valley AQMD Rule 1173 but inadvertently failed to include regulatory text to remove South Coast AQMD Rules 465, 466, 466.1 and 467 from the applicable SIP for Antelope Valley. Through this direct final rule, we are correcting the error by adding regulatory text to codify the rescission of South Coast AQMD Rules 465, 466, 466.1 and 467 as applicable to the Antelope Valley AQMD.

B. Correction of EPA Approval Dates and Federal Register Citations for Certain Rules Adopted by the California Department of Pesticide Regulation

On September 20, 2016 (81 FR 64350), the EPA took final action to approve certain rules adopted by the California Department of Pesticide Regulation (DPR) for the California SIP. In our final rule, we inadvertently cited the corresponding proposed rule (81 FR 6481, February 8, 2016) as the citation and date for approval for some of the rules, namely, California Code of Regulations (CCR), title 3, sections 6452, 6452.2, 6558, 6577 and 6864. Through this direct final rule, we are correcting the EPA approval dates and **Federal Register** citations for these DPR rules in the table of 40 CFR 52.220a(c) that lists EPA-approved state statutes and regulations.

II. What the EPA Is Doing in This Action

Section 110(k)(6) of the Clean Air Act (CAA or ''Act''), as amended in 1990, provides that, whenever the EPA determines that the EPA's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification or reclassification was in error, the EPA may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the state. Such determination and the basis thereof must be provided to the state and the public. We interpret this provision to authorize the EPA to make corrections to a promulgated regulation when it is shown to our satisfaction (or we discover) that (1) we clearly erred by failing to consider or by inappropriately considering information made available to the EPA at the time of the promulgation, or the information made available at the time of promulgation is subsequently demonstrated to have been clearly inadequate, and (2) other information persuasively supports a change in the regulation. See 57 FR 56762, at 56763 (November 30, 1992) (correcting designations, boundaries, and classifications of ozone, carbon monoxide, particulate matter and lead areas).

In this action, pursuant to CAA section 110(k)(6), we are correcting the August 28, 2009 direct final rule by adding regulatory text that was inadvertently omitted and that removes rules for which we approved rescissions from the Antelope Valley AQMD portion of the California SIP. We are also correcting incorrect EPA approval dates and **Federal Register** citations for certain DPR rules that we approved in a September 20, 2016 final rule.

We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing the same error corrections. If we receive adverse comments by April 25, 2022, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final error correction will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final error correction will be effective without further notice on May 24, 2022. This will incorporate these rules into the federally enforceable SIP.

Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

[1] The EPA approved South Coast AQMD Rule 465, adopted on December 7, 1990, at 57 FR 35758 (August 11, 1992). The EPA approved South Coast AQMD Rule 466, adopted on October 7, 1983, at 52 FR 1627 (January 15, 1987). The EPA approved South Coast AQMD Rule 466.1, adopted on May 2, 1980, at 47 FR 29668 (July 8, 1982). The EPA approved South Coast AQMD Rule 467, adopted on March 5, 1982, at 48 FR 52054 (November 16, 1983).

III. Incorporation by Reference

In this action, the EPA is finalizing the deletion of certain rules that were previously incorporated by reference in the applicable California SIP. In accordance with requirements of 1 CFR 51.5, the EPA is deleting certain South Coast AQMD rules that were applicable in the Antelope Valley AQMD, as described in the amendments to 40 CFR 52.220 as set out below. The EPA has made, and will continue to make, incorporation by reference documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

A. General Requirements

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 20, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(79)(iv)(C), (c)(125)(ii)(E), (c)(166)(i)(A)(*2*), (c)(166)(i)(B), (c)(166)(ii), (c)(184)(i)(B)(*13*), and (c)(184)(ii) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

* * * * *

(79) * * *

(iv) * * *

(C) Previously approved on July 8, 1982 in paragraph (c)(79)(iv)(B) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 466.1.

* * * * *

(125) * * *

(ii) * * *

(E) Previously approved on November 16, 1983 in paragraph (c)(125)(ii)(D) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 467.

* * * * *

(166) * * *

(i) * * *

(A) * * *

(*2*) Previously approved on January 15, 1987 in paragraph (c)(166)(i)(A)(*1*) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 466.

(B) [Reserved]

(ii) [Reserved]

* * * * *

(184) * * *

(i) * * *

(B) * * *

(*13*) Previously approved on August 11, 1992 in paragraph (c)(184)(i)(B)(*2*) and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 465.

* * * * *

(ii) [Reserved]

* * * * *

■ 3. Section 52.220a in paragraph (c), table 1 is amended by revising the entries for ''6452'', ''6452.2'', ''6558'', ''6577'' and ''6864'' to read as follows:

§ 52.220a Identification of plan—in part.

* * * * *

(c) * * *

TABLE 1—EPA-APPROVED STATUTES AND STATE REGULATIONS [1]

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	*	*	*	*
6452	Reduced Volatile Organic Compound Emissions Field Fumigation Methods.	11/1/2013	81 FR 64350, 9/20/2016.	Amends previous version of rule approved at 77 FR 65294 (October 26, 2012). Amended rule adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
*	*	*	*	*
6452.2	Volatile Organic Compound Emission Limits.	11/1/2013	81 FR 64350, 9/20/2016.	Amends previous version of rule approved at 77 FR 65294 (October 26, 2012). Amended rule adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
*	*	*	*	*
6558	Recommendations for Use of Nonfumigants in the San Joaquin Valley Ozone Nonattainment Area.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
*	*	*	*	*
6577	Sales of Nonfumigants for Use in the San Joaquin Valley Ozone Nonattainment Area.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
*	*	*	*	*
6864	Criteria for Identifying Pesticides as Toxic Air Contaminants.	11/1/2013	81 FR 64350, 9/20/2016.	Adopted by the California Department of Pesticide Regulation on May 23, 2013. Submitted on February 4, 2015.
*	*	*	*	*

[1] Table 1 lists EPA-approved California statutes and regulations incorporated by reference in the applicable SIP. Table 2 of paragraph (c) lists approved California test procedures, test methods and specifications that are cited in certain regulations listed in table 1. Approved California statutes that are nonregulatory or quasi-regulatory are listed in paragraph (e).

* * * * *

[FR Doc. 2022–06292 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2021–0854; FRL–9381–02–R3]

Air Plan Approval; Delaware; Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision formally submitted by the State of Delaware. This revision consists of the base year inventory for the Delaware portion of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE marginal nonattainment area (Philadelphia Area) for the 2015 ozone national ambient air quality standards (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on April 25, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2021–0854. All documents in the docket are listed on

the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (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 form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Adam Yarina, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2108. Mr. Yarina can also be reached via electronic mail at *Yarina.Adam@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 9, 2020, the Delaware Department of Natural Resources and Environmental Control (DNREC) on behalf of the State of Delaware, submitted a revision to the Delaware SIP entitled, ''2017 Base Year Emissions Inventory State Implementation Plan for VOC, NO_X, and CO for Areas of Marginal Nonattainment of the 2015 Ozone NAAQS in Delaware.'' New Castle County comprises Delaware's portion of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 2015 ozone NAAQS nonattainment area. This SIP revision, referred to in this rulemaking action as the ''New Castle County base year inventory SIP,'' addresses Delaware's base year inventory requirement for the 2015 ozone NAAQS.

I. Background

The background for this action is discussed in detail in the January 21, 2022 notice of proposed rulemaking (NPRM) and will not be restated here. See 87 FR 3259. The NPRM proposed to approve the 2017 New Castle County base year inventory SIP for the 2015 ozone NAAQS for the Philadelphia Area because the State prepared the inventory in accordance with the requirements in sections 172(c)(3) and 182(a)(1) [1] of the CAA and its implementing regulations, including those at 40 CFR 51.1315. EPA is finalizing its proposed approval of Delaware's 2017 New Castle County base year inventory for the 2015 ozone NAAQS for the Philadelphia Area.

II. Response to Comments Received

EPA held a 30-day public comment period on the NPRM for this action, beginning on January 21, 2022 and ending on February 22, 2022. No comments were received.

III. Final Action

EPA's review of this material indicates the New Castle County base year inventory SIP meets the base year inventory requirements for the 2015 ozone NAAQS for the Philadelphia Area. Therefore, EPA is approving the New Castle County base year inventory SIP, which was submitted on October 9, 2020.

IV. Statutory and Executive Order Reviews

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

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

In addition, this final rule approving Delaware's base year inventory SIP for the 2015 ozone NAAQS does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Nitrogen dioxide, Volatile organic compounds.

Dated: March 20, 2022.

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart I—Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding an entry for ''Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.420 Identification of plan.

(e) * * *

[1] 42 U.S.C. 7502(c)(3), 7511a(a)(1).

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* *	* *	*	*	*
Philadelphia Area Base Year Inventory for the 2015 Ozone National Ambient Air Quality Standards.	Delaware's portion of the Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE 2015 ozone NAAQS nonattainment area (*i.e.,* New Castle County).	10/09/20	3/25/2022, [insert **Federal Register** citation].	Delaware's portion of the Philadelphia Area consists of New Castle County.

[FR Doc. 2022–06276 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2018–0156; FRL–9574–01–OCSPP]

Butoxypolypropylene glycol, et al.; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of butoxypolypropylene glycol (BPG; α-butyl-ω-hydroxy-poly-oxy(methyl-1,2-ethanediyl) (CAS Reg. No. 9003–13–8)), oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2; polyether 1), poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5; polyether 2) and poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8; polyether 3) when used as an inert ingredient in/on growing crops and raw agricultural commodities pre- and post-harvest and applied to animals. Spring Trading Company, on behalf of Evonik Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of exemptions from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of BPG and polyethers 1, 2, and 3 when used in accordance with these exemptions.

DATES: This regulation is effective March 25, 2022. Objections and requests for hearings must be received on or before May 24, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0156, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and access, visit *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2018–0156 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before May 24, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2018–0156, by one of the following methods:

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

follow the instructions at *https://www.epa.gov/dockets/contacts.html.*

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

II. Petition for Exemption

In the **Federal Register** of May 18, 2018 (83 FR 23249) (FRL–9976–87), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–11104) by Spring Trading Company (203 Dogwood Trail, Magnolia, TX 77354), on behalf of Evonik Corporation (P.O. Box 34628, Richmond, VA 23234). The petition requested that 40 CFR 180.910 and 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of BPG and polyethers 1, 2, and 3 when used as an inert ingredient in pesticide formulations applied in/on growing crops pre- and post-harvest and applied to animals. That document referenced a summary of the petition prepared by Spring Trading Company on behalf of Evonik Corporation, the petitioner, which is available in the docket, *https://www.regulations.gov.* There were no relevant comments received in response to the notice of filing.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for BPG and polyethers 1, 2 and 3 including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with BPG and polyethers 1, 2 and 3 follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by BPG and polyethers 1, 2 and 3 as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Toxicity information is available for BPG but not for polyethers 1, 2 or 3. Therefore, information from BPG and the related compound polyoxyethylene polyoxypropylene monobutyl ether (PPME; CAS Reg. No. 9038–95–3) and several related alcohol ethoxylates are used to assess the toxicity of the petitioned-for polymers. Based on the available read-across information, BPG and polyethers 1, 2, and 3, are considered to have low acute toxicity via the oral, dermal, and inhalation routes. They are minor eye irritants, but not dermal irritants or skin sensitizers.

In repeated-dose toxicity studies, the kidneys, liver, hematological system and lungs were the major target organs. However, the effects observed in these oral and dermal studies occurred at doses at or above the limit dose and thus, are not considered relevant for risk assessment purposes. Based on their expected volatility and results from a repeated-dose inhalation study, inhalation is the route of toxicological concern for BPG and polyethers 1, 2, and 3. There is no evidence of susceptibility in the available developmental toxicity study and no effects on reproductive organs were observed throughout the database. Concern for carcinogenicity is low based on negative results in mutagenicity and genotoxicity studies and lack of effects in the available chronic studies.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as

a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *https://www.epa.gov/pesticides/factsheets/riskassess.htm.*

An acute dietary endpoint was not selected because no effect attributable to a single dose was identified in the database. No chronic dietary endpoint was selected because the effects observed in the oral studies occurred at doses above the limit dose, which are not relevant for risk assessment purposes. No short- and intermediate-term incidental oral endpoints were selected because the effects observed in the oral studies occurred at doses above the limit dose, which are not relevant for risk assessment purposes. No dermal endpoints were selected. There were also no adverse systemic effects reported in the 90-day dermal toxicity study in rats, and there was no evidence of increased susceptibility in the young.

The short-term and intermediate-term inhalation endpoints were derived from the 2-week inhalation toxicity study in rats, with a NOAEL of 100 mg/m^3 and a LOAEL of 500 mg/m^3, based on rapid respiration in females, hematology, clinical chemistry and urinalysis findings and microscopic findings in the lung in both sexes. This represents the lowest NOAEL in the database in the most sensitive species. The standard uncertainty factors (UFs) were applied to account for interspecies (10x) and intraspecies (10x) variations. The default value of 100% was used for the dermal and inhalation absorption factors.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Although dietary exposure via food is anticipated, no acute or chronic dietary endpoints of concern were identified; therefore, a quantitative dietary exposure assessment was not conducted.

2. *Dietary exposure from drinking water.* Although dietary exposure via drinking water is anticipated, no acute or chronic dietary endpoints of concern were identified; therefore, a quantitative dietary exposure assessment was not conducted.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

BPG and polyethers 1, 2 and 3 may be used as an inert ingredient in products that are registered for specific uses that may result in residential exposure. A screening level residential exposure and risk assessment was completed for products containing BPG and polyethers 1, 2 and 3 as inert ingredients. The Agency selected representative scenarios, based on end-use product application methods and labeled application rates. The Agency conducted an assessment to represent worst-case residential exposure by assessing BPG and polyethers 1, 2 and 3 in pesticide formulations (outdoor scenarios) and BPG and polyethers 1, 2 and 3 in disinfectant-type uses (indoor scenarios). The Agency assessed the disinfectant-type products containing BPG and polyethers 1, 2 and 3 using exposure scenarios used by OPP's Antimicrobials Division to represent worst-case indoor residential handler exposure to possible non-food use applications. Further details of the residential exposure and risk analysis can be found at *https://www.regulations.gov* in the memorandum entitled ''JITF Inert Ingredients. Residential and Occupational Exposure Assessment Algorithms and Assumptions Appendix for the Human Health Risk Assessments to Support Proposed Exemption from the Requirement of a Tolerance When Used as Inert Ingredients in Pesticide Formulations'' (D364751, 5/7/09, Lloyd/LaMay) in docket ID number EPA–HQ–OPP–2008–0710.

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

EPA has not found BPG or polyether 1, 2 or 3 to share a common mechanism of toxicity with any other substances, and BPG and polyether 1, 2 and 3 do not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that BPG and polyether 1, 2 and 3 do not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* Based on the evaluation of available toxicity studies with BPG and related compounds, there is low concern for pre- and postnatal susceptibility for infants and children from exposure to BPG, and polyethers 1, 2, and 3.

3. *Conclusion.* The FQPA safety factor has been reduced to 1X because: (1) The toxicity database is adequate to characterize potential pre- and postnatal risk for infants and children; (2) no effects on reproductive organs or reproductive parameters were observed in the available studies; (3) no developmental effects were observed in the available dermal developmental study in rats; (4) no evidence of neurotoxicity was observed in the database; and (5) the exposure assessment is unlikely to underestimate risk.

E. Aggregate Risks and Determination of Safety

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

1. *Acute dietary risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and

drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, BPG and polyethers 1, 2 and 3 are not expected to pose an acute dietary risk.

2. *Chronic dietary risk.* A chronic aggregate risk assessment takes into account chronic exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from repeated oral exposure was identified and no chronic dietary endpoint was selected. Therefore, BPG and polyether 1, 2 and 3 are not expected to pose a chronic dietary risk.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). BPG and polyethers 1, 2 and 3 are currently used as an inert ingredient in pesticide products that are registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to BPG and polyethers 1, 2 and 3.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs ranging from 22,000 to 280,000 for adults (handler only; no dietary exposure). Because EPA's level of concern for BPG and polyethers 1, 2 and 3 is an MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). BPG and polyethers 1, 2 and 3 are currently used as an inert ingredient in pesticide products that are registered for uses that could result in intermediate-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to BPG and polyethers 1, 2 and 3.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in aggregate MOEs ranging from 22,000 to 280,000 for adults (handler only; no dietary exposure). Because EPA's level of concern for BPG and polyethers 1, 2 and 3 is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in the provided studies, BPG and polyethers 1, 2 and 3 are not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to BPG and polyethers 1, 2 and 3 residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nation Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for BPG and polyether 1, 2 and 3.

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance are established under 40 CFR 180.910 and 180.930 for butoxypolypropylene glycol (BPG; α-butyl-ω-hydroxy-poly-oxy(methyl-1,2-ethanediyl) (CAS Reg. No. 9003–13–8), oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2; polyether 1), poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5; polyether 2) and poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8; polyether 3) when used as an inert ingredient in pesticide formulations applied in/on growing crops and raw agricultural commodities pre- and post-harvest under and applied to animals.

VII. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In

addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VIII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 21, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. In § 180.910, amend Table 1 to 180.910 by adding, in alphabetical order, the inert ingredients ''Butoxypolypropylene glycol (CAS Reg. No. 9003–13–8)''; ''Oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2)''; ''Poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5)''; and ''Poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8)'' to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.910

Inert ingredients	Limits	Uses
* * * * *	*	*
Butoxypolypropylene glycol (CAS Reg. No. 9003–13–8)		
* * * * *	*	*
Oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2).		
* * * * *	*	*
Poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5).		
* * * * *	*	*
Poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8).		
* * * * *	*	*

■ 3. In § 180.930, amend Table 1 to 180.930 by adding, in alphabetical order, the inert ingredients ''Butoxypolypropylene glycol (CAS Reg. No. 9003–13–8)''; ''Oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2)''; ''Poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5)''; and ''Poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8)'' to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO 180.930

Inert ingredients	Limits	Uses
* * * * *	*	*
Butoxypolypropylene glycol (CAS Reg. No. 9003–13–8).		
* * * * *	*	*
Oxirane, 2-methyl-, polymer with oxirane, mono-2-propen-1-yl ether (CAS Reg. No. 9041–33–2).		
* * * * *	*	*
Poly(oxy-1,2-ethanediyl), α-acetyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–87–5).		
Poly(oxy-1,2-ethanediyl), α-methyl-ω-(2-propen-1-yloxy)- (CAS Reg. No. 27252–80–8).		
* * * * *	*	*

[FR Doc. 2022–06327 Filed 3–24–22; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 216 and 300

[Docket No. 220322–0076]

RIN 0648–BK88

International Fisheries; Pacific Tuna Fisheries; Purse Seine Observer Exemptions in the Eastern Pacific Ocean

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations under the authority of the Marine Mammal Protection Act (MMPA) and the Tuna Conventions Act (TCA) of 1950, as amended, to allow NMFS to issue temporary exemptions from purse seine observer requirements in the eastern Pacific Ocean (EPO) in accordance with procedures adopted by Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) and members of the Inter-American Tropical Tuna Commission (IATTC). This final rule is necessary for the continuity of fishing activities for large U.S. purse seine vessels and for the United States to satisfy its obligations as a member of the IATTC.

DATES: Effective March 25, 2022.

ADDRESSES: Copies of supporting documents that were prepared for this final rule, including the Regulatory Impact Review, are available via the Federal e-Rulemaking Portal: *www.regulations.gov,* docket NOAA–NMFS–2021–0111, or contact William Stahnke, NMFS WCR, Long Beach Office, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802, or *WCR.HMS@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: William Stahnke, NMFS WCR, at (562) 980–4088.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 2022, NMFS published a proposed rule in the **Federal Register** (87 FR 6474) to revise regulations at 50 CFR part 216, subpart C and 50 CFR part 300, subpart C, to allow NMFS to issue temporary exemptions from purse seine observer requirements in the eastern Pacific Ocean (EPO) in accordance with procedures adopted by Parties to the Agreement on the International Dolphin Conservation Program (AIDCP) and members of the Inter-American Tropical Tuna Commission (IATTC). The 30-day public comment period for the proposed rule closed on March 7, 2022.

The final rule is implemented under the authority of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), and the Tuna Conventions Act (16 U.S.C. 951 *et seq.*). This final rule applies to U.S. large purse seine vessels (*i.e.,* those greater than 400 short ton carrying capacity) fishing for tuna in the IATTC Convention Area. The IATTC Convention Area is defined as waters of the eastern Pacific Ocean (EPO) within the area bounded by the west coast of the Americas and by 50° N. latitude, 150° W. longitude, and 50° S. latitude.

Background on the AIDCP and IATTC

The AIDCP has been ratified or acceded by 14 countries, including the United States, and is applied provisionally by another two. Among the objectives of the AIDCP are to reduce dolphin mortalities and ensure the long-term sustainability of the tuna stocks within the AIDCP Agreement Area.[1] The full text of the AIDCP is available online at: *https://www.iattc.org/PDFFiles/AIDCP/_English/AIDCP.pdf.*

The United States is a member of the IATTC, which was established under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission (1949 Convention). The 1949 Convention was updated by the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). The full text of the Antigua Convention is available online at: *https://www.iattc.org/PDFFiles/IATTC-Instruments/_English/IATTC_Antigua_Convention%20Jun%202003.pdf.*

The IATTC consists of 21 member nations and five cooperating non-member nations. The IATTC facilitates scientific research, as well as the conservation and management, of tuna and tuna-like species in the IATTC Convention Area.[2] The IATTC maintains a scientific research and fishery monitoring program and regularly assesses the status of tuna, sharks, and billfish stocks in the IATTC Convention Area to determine appropriate catch limits and other measures deemed necessary to promote sustainable fisheries and prevent the overexploitation of these stocks.

International Obligations of the United States Under the Antigua Convention and AIDCP

As a Party to the Antigua Convention and AIDCP and a Member of the IATTC, the United States is legally bound to implement decisions of the IATTC under the Tuna Conventions Act (16 U.S.C. 951 *et seq.*) and decisions of the Parties to the AIDCP under the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*). The Tuna Conventions Act directs the Secretary of Commerce, in consultation with the Secretary of State and, with respect to enforcement measures, the U.S. Coast Guard, to promulgate such regulations as may be necessary to carry out the United States' obligations under the Antigua Convention, including recommendations and decisions adopted by the IATTC. The authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS. The MMPA directs the Secretary of Commerce to issue regulations, and revise those regulations as may be appropriate, to implement the International Dolphin Conservation Program. As with the TCA, the authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS.

AIDCP and IATTC Observer Program and U.S. Observer Requirements

U.S. large purse seine vessels (*i.e.,* those greater than 400 short ton carrying capacity) fishing for tuna in the EPO are subject to 100 percent observer coverage obligations under Annex II, paragraph 2 of the AIDCP and IATTC Resolution C–09–04, *Resolution on the International Dolphin Conservation Program.* The United States implemented this requirement for 100 percent observer coverage into domestic regulation at 50 CFR 216.24(e)(1), which requires vessel permit holders to allow an authorized observer to accompany the vessel on all fishing trips in the eastern tropical Pacific Ocean (ETP) for the purpose of collecting information pertaining to research and observing operations and prohibits vessels that fail to carry an observer in accordance with these requirements from engaging in fishing operations. The United States does not have its own national observer program for the large tuna purse seine fishery

[1] Defined as waters of the EPO within the area bounded by the west coast of the Americas and by 50° N latitude, 150° W longitude, and 50° S latitude.

[2] Defined as waters of the EPO within the area bounded by the west coast of the Americas and by 50° N latitude, 150° W longitude, and 50° S latitude.

and relies solely on the AIDCP/IATTC program to place observers on U.S. large purse seine vessels. The observers are typically foreign nationals that board U.S. vessels at ports throughout Central and South America, as well as American Samoa.

AIDCP and IATTC Agreement for Exemptions and NMFS Emergency Observer Exemption Rule

On April 16, 2020, the IATTC issued a memorandum (Ref.: 0173–420) [3] indicating that the AIDCP Parties and the IATTC Members adopted procedures to provide for the temporary exemption, on a case-by-case basis, from purse seine observer requirements in the EPO for each vessel and trip where it is not possible to place an observer due to operational and logistical constraints arising from actions taken by governments or organizations to safeguard health in response to the COVID–19 Pandemic. Under these exemption procedures, owners and operators of vessels must continue requesting the placement of observers in accordance with pre-existing procedures. An AIDCP/IATTC exemption is considered granted when the IATTC Director, or the head of the field office and the national observer program office of AIDCP Parties, certify the unavailability of an observer for the vessel. These procedures were set to expire June 1, 2020, but the AIDCP/IATTC issued several subsequent memoranda extending the procedures, most recently until March 31, 2022 (0564–420; December 16, 2021), and they are expected to be extended further. The current AIDCP/IATTC exemption procedures are discussed in greater detail in the next section of this preamble.

In addition to the AIDCP/IATTC procedures, NMFS needed authority to provide exemptions from domestic regulations requiring observer coverage. On March 27, 2020, NMFS published a temporary rule for an emergency action in response to the COVID–19 Pandemic (85 FR 17285) that provides the authority to waive observer coverage requirements implemented under certain statutes, including the MMPA and TCA (''NMFS Emergency Rule''). That NMFS Emergency Rule permits NMFS to waive observer coverage requirements if:

(1) Placing an observer conflicts with travel restrictions or other requirements addressing COVID–19 related concerns issued by local, state, or national governments, or the private companies that deploy observers pursuant to NMFS regulations; or

(2) No qualified observer(s) are available for placement due to health, safety, or training issues related to COVID–19.

That temporary NMFS Emergency Rule was extended and is currently in effect until March 26, 2022, or until the Secretary of Health and Human Services determines that the COVID–19 Pandemic is no longer a public health emergency, whichever is earlier (March 29, 2021; 86 FR 16307). Pursuant to the NMFS Emergency Rule, and in accordance with exemption procedures adopted by the AIDCP/IATTC, NMFS West Coast Region (WCR) established a process, subject to revocation or extension as circumstances warrant, for issuing temporary written exemptions on an individual, case-by-case basis to the U.S. regulatory requirements for observer coverage of large U.S. tuna purse seine vessels fishing in the EPO. This process, which NMFS is maintaining under this rule, is discussed in greater detail in the next section of this preamble.

Amendments to Regulations at 50 CFR 216.24(e) To Allow for Exemptions From Purse Seine Observer Requirements in the EPO

Though difficult to predict, NMFS expects travel restrictions will likely continue in American Samoa and other port States where observers are placed on purse seine vessels beyond March 2022. As noted, the AIDCP/IATTC exemptions procedures have been extended until March 31, 2022, and are expected to be extended further. However, the temporary NMFS Emergency Rule that provides the United States domestic authority to waive observer coverage for large EPO purse seine vessels will expire on March 26, 2022. Without this final rule, NMFS would no longer have the authority to issue exemptions from observer requirements to large purse seine vessels fishing in the EPO upon expiration of the NMFS Emergency Rule and the United States would likely be the only AIDCP Party and IATTC Member unable to issue these exemptions to its purse seine vessels. Therefore, this rule is necessary to allow NMFS to continue issuing temporary exemptions from the observer requirements beyond the NMFS Emergency Rule expiration date in March 2022.

These temporary exemptions are in accordance with continuing AIDCP/IATTC exemption procedures and, potentially, in accordance with exemption procedures adopted in the future because the AIDCP contains an unqualified requirement for 100 percent observer coverage. NMFS anticipates that the AIDCP/IATTC will only adopt exemption procedures in the future under emergency circumstances similar to the COVID–19 pandemic and that those procedures would be similarly limited to single fishing trips for which it would be impossible to place an observer on a vessel.

This rule finalizes an amendment to § 216.24(e)(1) to add a provision that will allow NMFS to issue temporary exemptions from purse seine observer requirements, on a case-by-case basis, in accordance with procedures adopted by the Parties to the AIDCP and Members of the IATTC. These temporary exemptions are available to U.S. large purse seine vessels that are used to catch tropical tuna in the IATTC Convention Area and will grant a single vessel an exemption from the requirement to carry an observer during a single fishing trip, provided the vessel complies with AIDCP/IATTC exemption procedures and with other applicable regulations and requirements. Although the exemption provision will not expire, it is only applicable for the duration that AIDCP and IATTC observer exemption procedures are effective. In other words, this provision only gives NMFS the authority to grant an exemption: (1) If the Parties to the AIDCP and Members of the IATTC have collectively agreed to adopt procedures for exempting observer coverage requirements under certain emergency circumstances; and (2) in accordance with the specific procedures adopted by AIDCP/IATTC for granting those exemptions.

NMFS will notify the affected fleet via email when the current AIDCP/IATTC emergency exemption procedures are no longer in effect. NMFS will also notify the affected fleet via email and the public by publication of a notice in the **Federal Register** if new exemption procedures are adopted by the Parties to the AIDCP and Members of the IATTC. New exemptions will not be issued by NMFS when AIDCP/IATTC exemption procedures are not in effect and exemptions issued by NMFS while AIDCP/IATTC exemption procedures are in effect will only be effective for as long as the AIDCP/IATTC procedures remain in effect.

Process for Obtaining an Observer Exemption From the IATTC

As previously noted, the AIDCP Parties and the IATTC Members adopted procedures for the temporary exemption, on a case-by-case basis, of the requirement to carry an observer for

[3] Copies of IATTC Memo #0173–420 as well as the original NMFS exemption procedures can be found in the docket for this rulemaking.

trips where it is not possible to place an observer on a vessel. The process for a vessel to be granted an exemption from the IATTC is outlined below:

- Vessel owners/operators planning a fishing trip in the EPO are to contact the IATTC Director and Observer Coordinator to request an observer.
- If the IATTC Director, or the head of the field office and the national program office, certifies, in coordination with Flag State Authorities, that it is not possible to place an observer on the vessel, then an exemption from AIDCP observer requirements will be considered granted for the fishing trip.

Process for Obtaining an Observer Exemption From NMFS

In addition to obtaining certification from the IATTC Director that placement of an observer is not possible, U.S. large purse seine vessels must also obtain from NMFS WCR an individual exemption from domestic regulatory observer coverage requirements. As discussed previously, NMFS has been issuing those exemptions under the authority of the NMFS Emergency Rule; however, this rule provides NMFS the authority to continue issuing such exemptions while AIDCP/IATTC exemption procedures are in effect. NMFS will continue using the existing process for a U.S. vessel to obtain an exemption from domestic regulations, as outlined below:

- Once NMFS West Coast Region receives certification from the IATTC or the vessel owner/operator that an exemption has been granted, NMFS will confirm that the vessel owner/operator meets the criteria set forth in the AIDCP/IATTC exemption procedures.
- If the criteria are met, NMFS will issue the permit holder a letter documenting that the requirement to carry an observer has been exempted for that vessel trip.
- A NMFS observer exemption may be requested from the NMFS West Coast Region, Sustainable Fisheries Division, Highly Migratory Species (HMS) Branch, via *WCR.HMS@noaa.gov.*

NMFS anticipates working in coordination with the IATTC and being able to provide individual vessel exemptions without significant delay to U.S. large purse seine vessels. Any changes to these procedures will be notified by email directly and/or via relevant email distribution lists to vessel owners, operators, and permit holders.

Dolphin-Safe Requirements

It should be noted that although these regulations will allow NMFS to waive the regulatory requirements in § 216.24(e)(1) to carry an observer, tuna caught in the ETP on a trip without an AIDCP-approved observer will be ineligible for a United States dolphin-safe label or an AIDCP Dolphin-Safe Tuna Certificate. With respect to the U.S. dolphin-safe label, any tuna harvested by large purse seine vessels fishing in the ETP is subject to U.S. dolphin-safe labeling requirements at 50 CFR part 216, subpart H, and also subject to the authority of the International Dolphin Conservation Program Act (ICDPA; 16 U.S.C. 1417). Without an AIDCP-approved observer on a fishing trip (even with an observer exemption), the Tuna Tracking Forms (TTFs) cannot be completed by an observer for that trip and, thus, the tuna would be ineligible for a dolphin-safe label. TTFs are necessary for the issuance of the U.S.-required IDCP-member nation certification to accompany the NOAA Form 370 for tuna harvested by large purse seine vessels in the ETP. However, such tuna harvested in the ETP without an observer may still be legally sold in the United States as non-dolphin-safe, provided it was harvested in accordance with other relevant requirements.

With respect to the AIDCP Dolphin-Safe Tuna Certificate, it should also be noted that the AIDCP Parties did not waive the requirement for the observer's role in verifying the dolphin-safe status of the catches under the AIDCP Dolphin-Safe Tuna Certification Program. Therefore, any trip by a vessel of an AIDCP Party that is made without an observer would not have valid TTFs and, thus, no valid AIDCP Dolphin-Safe Tuna Certificate can be issued by a Party for any catches made on that particular fishing trip.

Amendments to 50 CFR 300.24 and 300.25 To Incorporate Existing Purse Seine Observer Requirements Into the Regulations That Govern Eastern Pacific Tuna Fisheries

As noted earlier, the regulatory requirement for large purse seine vessels to carry observers during fishing operations in the EPO are found in 50 CFR part 216, which contains regulations governing the taking and importing of marine mammals. This rule incorporates that requirement into 50 CFR part 300, subpart C, which contains regulations governing eastern Pacific tuna fisheries. Specifically, this rule finalizes the addition of a provision in § 300.25, *Fisheries Management,* that re-states, and cross-references to, the observer coverage requirement in § 216.24(e)(1). This provision, found at § 300.25(d), clarifies that the requirements in § 216.24(e)(1) apply within the IATTC Convention Area. A prohibition against operating a large purse seine vessel in the IATTC Convention Area in contravention of applicable observer requirements is also now included in § 300.24(n).

Public Comments and Responses

NMFS received six public comments on the proposed rule during the public comment period which ended on March 7, 2022. One comment from the American Tunaboat Association expressed support for the proposed rule and the maintenance of the ability for the U.S. to issue exemptions to the observer requirements, separately from the NMFS Emergency Rule, and in accordance with adopted AIDCP/IATTC exemption procedures. Five comments were in opposition, four submitted by an individual commenter (a student at the City University of New York School of Law) and one submitted by Earthjustice, an environmental non-governmental organization. Issues expressed in these comments pertained to the negative impacts of gaps in observer data and using electronic monitoring as a means to supplement gaps, concern with exemption procedures lasting indefinitely, concern that the exemption procedures would ultimately lead to overfishing and illegal, unreported and unregulated (IUU) fishing, and concerns with dolphin-safe status of the catch. A summary of the comments and NMFS' responses can be found below.

Comment 1: Observer Data Gaps

Concerns regarding gaps in observer data were expressed in comments submitted by Earthjustice and the individual commenter. Commenters highlighted that low observer coverage on vessels causes large-scale logistical and environmental issues and that gaps in observer data from a lack of observers' reporting will disrupt important scientific research and policymaking, essential for fisheries management and compliance with government standards. Commenters mentioned that because U.S. purse seine vessels do not land their catch on the U.S. West Coast, and NMFS does not have ready access to cannery receipts to verify landings, observer data is needed to corroborate self-reporting in logbooks. Commenters also referenced IATTC recommendations for the necessity to increase observer coverage in the longline fleet as justification for not allowing decreases in observer coverage due to observer exemptions in the purse seine fleet.

Response

NMFS shares concerns with the commenters that lack of observer data in IATTC purse seine fisheries is a concern for reliable and accurate data collection. The IATTC and AIDCP require 100 percent observer coverage on large purse seine vessels fishing in the IATTC Convention Area. NMFS would like to highlight that IATTC/AIDCP observer exemptions adopted since April 2020 are provided on a case-by-case basis and in 2020 and 2021 about 94 percent of all IATTC large purse seine trips have been observed. NMFS would also like to highlight that, per the AIDCP/IATTC memorandum implementing and extending exemption procedures, as well as existing regulations at 50 CFR 300.22, vessel captains are required to collect, record, and report data and information for each trip on tuna catches and bycatch of other species, by gear, fishing area and type of set, to be submitted to the IATTC at the end of each trip. Additionally, the resolution for tropical tuna adopted by the IATTC in October 2021 (Resolution C–21–04) included requirements for purse seine vessels to provide cannery data to the IATTC on a near real-time basis, which will also provide more data to the IATTC on all vessel trips, including those without observers.

After the current AIDCP/IATTC exemption procedures expire, NMFS would only have the ability to grant observer exemptions if the AIDCP/IATTC once again adopts emergency observer exemption procedures to address global or regional health, safety, and security concerns in association with some other international emergency or crises. The U.S., as a member of those organizations, will have a role in shaping any exemption procedures prior to adoption, and is able to block consensus on agreement if needed. After adoption of AIDCP/IATTC exemption procedures, NMFS will issue exemptions from the domestic observer requirement on a case-by-case basis for a single fishing trip in accordance with AIDCP/IATTC exemption procedures in effect at the time.

With respect to comments on longline observer coverage in IATTC fisheries, the IATTC did not adopt exemption procedures for longline vessels, and the existing 5 percent observer coverage on longline vessels remains in place per Resolution C–19–08. However, NMFS agrees with the commenter and recommendations from the IATTC scientific staff that 20 percent observer coverage on longline vessels would provide more complete data. The United States typically has about 20 percent observer coverage on its large longline vessels. In 2020, that figure decreased by roughly 4 percent, but is expected to rise again.

Comment 2: The Action Will Lead to IUU Fishing

An individual commenter asserted that the proposed regulation will allow fisheries to bypass the regulatory requirements to carry an onboard observer for EPO trips, and that the resulting lack of government oversight of commercial fishing will most likely lead to IUU practices to the detriment of the fishing industry, its consumers, and the environment.

Response

As described under response to comment 1, NMFS agrees that lack of observer coverage is a concern for accurate data. Given that IUU activities are secretive in nature, it is difficult to predict or know when they may occur. NMFS reminds the commenter that observer exemptions are temporary (for a single vessel during a single fishing trip) and aimed to address the impacts of a global pandemic or other international emergencies or crisis. In the short term, the observer coverage rate is expected to rise as pandemic-related travel restrictions are lifted and more observers are available for placement, until ultimately observer exemptions are no longer needed. Please refer to the response to comment 1 above for further information.

Comment 3: The Action Will Lead to Overfishing

Earthjustice and an individual commenter suggested that the proposed regulation will make the effective prevention of overfishing more difficult and potentially impossible, which will have negative environmental impacts and result in decreased fishing opportunities.

Response

As noted in an earlier response, the IATTC recently adopted a new tropical tuna management resolution for the years 2022–2024 (Resolution C–21–04), which comes with a suite of new and robust measures to prevent overfishing from occurring. As a member of the IATTC, the United States is obligated to implement and comply with these measures. The IATTC scientific staff will continue to provide stock status indicators for bigeye, yellowfin, and skipjack tunas on an annual basis to the Scientific Advisory Committee to monitor any changes in the EPO tuna stocks. Based on the 2020 assessments conducted by the IATTC Scientific Staff, NMFS determined that yellowfin and bigeye tuna stocks in the EPO, which the affected vessels target, are not subject to overfishing or overfished, nor are they approaching an overfished condition. In addition, the next stock assessments for bigeye and yellowfin tuna are expected in 2024, which will provide an update on the stock status and reveal the effect of additional management measures adopted by the IATTC in 2021.

Comment 4: COVID–19 Not Ending Leads to Exemptions Not Ending

An individual commenter asserted that due to progress in management of the pandemic, an extension of the emergency exemption to observer requirements is no longer justified. The commenter claimed that, because there is no indication that the Secretary of HHS will ever declare the end of COVID–19, NMFS should not wait to reimplement observer requirements that existed before the issuance of the Emergency Rule, and should instead strengthen them.

Response

NMFS understands that pandemic circumstances within the United States are different from those of other IATTC member countries. NMFS reminds the commenter, however, that the United States does not have its own national observer program for the large purse seine vessel tuna fishery in the EPO and therefore relies solely on the AIDCP/IATTC program to place observers on U.S. large purse seine vessels. The observers are typically foreign nationals that board U.S. vessels at ports throughout Central and South America, as well as American Samoa. Therefore, travel restrictions that constrain the ability of observers to enter ports, such as in American Samoa, as well as other pandemic-related constraints that impact the IATTC's ability to place observers on vessels, are outside of the control of the United States.

These regulations are separate from the broader NMFS Emergency Rule, which applies to both domestic and international fisheries and expires March 26, 2022, or when the Secretary of Health and Human Services determines that the COVID–19 Pandemic is no longer a public health emergency, whichever is earlier. These regulations apply only to the international large U.S. purse seine fleet that fishes for tuna in the EPO and, although they do not have a specific expiration date, they are only applicable while AIDCP/IATTC exemption procedures are in effect. NMFS expects the existing AIDCP/IATTC exemption

procedures will be extended beyond their current expiration date to address ongoing travel restrictions and other pandemic-related health and safety concerns impacting the IATTC's ability to place observers on purse seine vessels in the EPO.

Comment 5: Electronic Monitoring (EM) Should Be Used To Supplement Gaps in Observer Data

Earthjustice asserted that if NMFS continues to extend the observer waiver, the agency must require alternative methods for data collection and monitoring that can fulfill the functions of observers and provide a check on the industry. Earthjustice recommended, at a minimum, that NMFS require EM on all purse seine trips without an observer. They encouraged NMFS to consider EM as a necessary tool to supplement observers, as well to implement EM in conjunction with regulations (such as proper use and handling of EM equipment on board and prohibiting tampering) which make EM more effective.

Response

NMFS is supportive of progress towards developing EM for IATTC purse seine and longline fisheries. The IATTC held its first EM workshop in 2021 and developed a 4-year workplan to progress the implementation of EM in IATTC fisheries. Because there are various considerations for EM such as compliance, data confidentiality, costs, best practices, etc., a series of discussions is necessary before EM can be implemented in a consistent and successful manner. NMFS has been working with the Hawaii longline fleet on the use of EM concurrently with observers. The IATTC also sponsored a pilot study of EM of the activities on purse seine vessels and is currently in the process of conducting similar work on several longline vessels. For fishing trips without observers, paragraph 5 of the AIDCP/IATTC memorandum implementing and extending exemption procedures calls for continued reporting of EM data to the IATTC on board purse seine vessels equipped with those systems.

Comment 6: Dolphin-Safe Concerns

An individual commenter expressed concerns regarding the dolphin-safe status of the catch, highlighting that the harvested tuna will not be eligible for dolphin-safe labels, yet the proposed rule will allow for it to still be legally sold. The commenter also expressed concern that most of the tuna in supermarket shelves would be non-dolphin-safe, and asserted that the action would be putting dolphins' lives at risk and allow for overfishing in violation of the Sustainable Fisheries Act.

Response

Please refer to the responses to comments 1 and 2 above for information on the observer coverage rates on purse seine vessels during the pandemic, which remain high. NMFS agrees with the commenter that tuna harvested in the International Dolphin Conservation Program (IDCP) Agreement Area by a large purse seine vessel, without an IDCP-approved observer on board during the entire fishing trip, will be ineligible for a dolphin-safe label in the U.S. marketplace. NMFS disagrees with the commenter's assertion that this rule knowingly, willingly, and intentionally allows for dolphins' lives to be put at risk. The United States was an original signatory Party to the IDCP Agreement in 1998. The United States still strongly supports the Agreement's objectives to progressively reduce incidental dolphin mortalities in the tuna purse-seine fishery in the Agreement Area, with the goal of eliminating dolphin mortality in this fishery, and to ensure the long-term sustainability of the tuna stocks in the Agreement Area.

Changes From the Proposed Rule

This final rule contains no changes from the proposed rule.

Classification

The NMFS Assistant Administrator has determined that this rule is consistent with the Marine Mammal Protection Act, Tuna Conventions Act of 1950, and other applicable laws.

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

Under section 553(d)(3) of the Administrative Procedure Act, an agency must delay the effective date of regulations for 30 days after publication, unless the agency finds good cause to make the regulations effective sooner. The Assistant Administrator for Fisheries determined that good cause exists to make this rule effective immediately upon publication in the **Federal Register** without providing a 30-day delay after publication. NMFS is obligated to implement these measures immediately to avoid a lapse in our ability to issue purse seine observer exemptions in the EPO, which constitutes good cause. Not making the rule effective immediately would result in NMFS being unable to issue exemptions to U.S. vessels in cases where no observer is available, thereby harming those vessels by preventing them from legally fishing. In addition, because this rule will not change the emergency observer exemption process currently in place, a delay in the effective date—the purpose of which is to give affected persons a reasonable amount of time to comply with the rule or take any other action that issuance of the rule may prompt—is contrary to the public interest.

There are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act (PRA), and the existing collection-of-information requirements still apply under Office of Management and Budget (OMB) Control Numbers 0648–0148 (West Coast Region Pacific Tuna Fisheries Logbook, Fish Aggregating Device Form, and Observer Safety Reporting) and 0648–0335 (Fisheries Certificate of Origin). Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at: *https://www.reginfo.gov/public/do/PRAMain.*

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Parts 216 and 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: March 22, 2022.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, the National Marine Fisheries Service amends 50 CFR parts 216 and 300 as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Subpart C—General Exceptions

■ 1. The authority citation for part 216, subpart C, continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

■ 2. Amend § 216.24 by adding paragraph (e)(1)(i) and reserved paragraph (e)(1)(ii) to read as follows:

§ 216.24 Taking and related acts in commercial fishing operations including tuna purse seine vessels in the eastern tropical Pacific Ocean.

* * * * *

(e) * * *

(1) * * *

(i) *Exemption from observer requirement.* The Administrator, West Coast Region (or designee), may issue a temporary written exemption from the observer requirement in this paragraph (e)(1) if the Parties to the AIDCP and/or Members of the IATTC have adopted emergency observer exemption procedures to address relevant global or regional health, safety, and security concerns, as well as other international emergencies and crises. Such exemptions will be issued on a case-by-case basis for a single fishing trip, in accordance with the AIDCP/IATTC exemption procedures in effect at the time of the request. Exemptions from the requirement in this paragraph (e)(1) will only be issued when AIDCP/IATTC exemption procedures are in effect and are only valid for as long as the AIDCP/IATTC exemption procedures remain in effect. NMFS will notify the affected fleet via email when existing AIDCP/IATTC exemption procedures expire. NMFS will also notify the affected fleet via email and the public by publication of a document in the **Federal Register** if new exemption procedures are adopted by the Parties to the AIDCP and/or the Members of the IATTC. Requests for exemption must be made to the Administrator, West Coast Region, via email at *WCR.HMS@noaa.gov,* or in a manner acceptable to the Administrator, West Coast Region.

(ii) [Reserved]

* * * * *

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 3. The authority citation for part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 4. Amend § 300.24 by revising paragraph (n) to read as follows:

§ 300.24 Prohibitions.

* * * * *

(n) Use a fishing vessel of class size 4–6 to fish with purse seine gear in the Convention Area in contravention of the observer requirements in § 300.25(d) or the purse seine closure period requirements in § 300.25(e)(1), (2), or (5).

* * * * *

■ 5. Amend § 300.25 by adding paragraph (d) to read as follows:

§ 300.25 Fisheries management.

* * * * *

(d) *Observer requirements*—(1) *Purse seine vessels.* (i) The holder of an eastern tropical Pacific Ocean vessel permit, as required by § 216.24(b) of this title, must allow an observer duly authorized by the Administrator, West Coast Region, to accompany the vessel on all fishing trips in the IATTC Convention Area for the purpose of conducting research and observing operations, including collecting information that may be used in civil or criminal penalty proceedings, forfeiture actions, or permit sanctions, pursuant to the requirements in § 216.24(e) of this title. A vessel that fails to carry an observer in accordance with these requirements may not engage in fishing operations unless an exemption has been granted from these requirements as provided for in § 216.24(e)(1)(i) of this title.

(ii) [Reserved].

(2) [Reserved].

* * * * *

[FR Doc. 2022–06337 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 211217–0262; RTID 0648–XB894]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From VA to NJ

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Virginia is transferring a portion of its 2022 commercial summer flounder quota to the State of New Jersey. This adjustment to the 2022 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2022 commercial quotas for Virginia and New Jersey.

DATES: Effective March 24, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, (978) 281–9184.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2022 allocations were published on December 23, 2021 (86 FR 72859).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would not preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act. The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

Virginia is transferring 770 lb (349 kg) to New Jersey through mutual agreement of the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2022 are: Virginia, 2,787,731 lb (1,264,494 kg) and New Jersey, 2,338,498 lb (1,060,725 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: March 18, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–06287 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 58
Friday, March 25, 2022

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

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–STD–0022]

RIN 1904–AE47

Energy Conservation Program: Energy Conservation Standards for Automatic Commercial Ice Makers

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

ACTION: Notification of availability of preliminary technical support document and request for comment.

SUMMARY: The U.S. Department of Energy (''DOE'') announces the availability of the preliminary analysis it has conducted for purposes of evaluating the need for amended energy conservation standards for automatic commercial ice makers, which is set forth in the Department's preliminary technical support document (''TSD'') for this rulemaking. DOE will hold a public meeting via webinar to discuss and receive comment on its preliminary analysis. The meeting will cover the analytical framework, models, and tools used to evaluate potential standards for this equipment, the results of preliminary analyses performed by DOE, the potential energy conservation standard levels derived from these analyses (if DOE determines that proposed amendments are necessary), and other relevant issues. In addition, DOE encourages written comments on these subjects.

DATES: *Comments:* Written comments and information will be accepted on or before May 24, 2022.

Meeting: DOE will hold a webinar on Monday, April 25, 2022, from 1:00 p.m. to 4:00 p.m. See section IV, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov* under docket number EERE–2017–BT–STD–0022. Follow the instructions for submitting comments. Alternatively, comments may be submitted by email to: *ACIM2017STD0022@ee.doe.gov.* Include docket number EERE–2017–BT–STD–0022 in the subject line of the message.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

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

To inform interested parties and to facilitate this rulemaking process, DOE has prepared an agenda, a preliminary TSD, and briefing materials, which are available on the DOE website at: *www.regulations.gov/docket/EERE-2020-BT-STD-0014.*

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

The docket web page can be found at *www.regulations.gov/#!docketDetail;D=EERE-2017-BT-STD-0022.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section IV for information on how to submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Dr. Stephanie Johnson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

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

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I. Introduction

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] authorizes DOE to regulate the energy efficiency of a number of consumer products and

[1] All references to EPCA in this document refer to the statute as amended through the Infrastructure Investment and Jobs Act, Public Law 117–58 (Nov. 15, 2021).

certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[2] of EPCA, added by Public Law 95–619, Title IV, section 441(a) (42 U.S.C. 6311–6317, as codified), established the Energy Conservation Program for Certain Industrial Equipment. This equipment includes automatic commercial ice makers, the subject of this document. (42 U.S.C. 6311(1)(F))

EPCA prescribed the initial energy and water conservation standards for automatic commercial ice makers. (42 U.S.C. 6313(d)(1)) EPCA also authorizes DOE to establish new standards for automatic commercial ice makers not covered by the statutory standards. (42 U.S.C. 6313(d)(2)) Not later than January 1, 2015, with respect to the standards established under 42 U.S.C. 6313(d)(1), and, with respect to the standards established under 42 U.S.C. 6313(d)(2), not later than 5 years after the date on which the standards take effect, EPCA required DOE to issue a final rule to determine whether amending the applicable standards is technologically feasible and economically justified. (42 U.S.C. 6313(d)(3)(A)) Not later than 5 years after the effective date of any amended standards under 42 U.S.C. 6313(d)(3)(A) or the publication of a final rule determining that amending the standards is not technologically feasible or economically justified, DOE must issue a final rule to determine whether amending the standards established under 42 U.S.C. 6313(d)(1) or the amended standards, as applicable, is technologically feasible or economically justified. (42 U.S.C. 6313(d)(3)(B)) A final rule issued under 42 U.S.C. 6313(d)(2) or (3) must establish standards at the maximum level that is technically feasible and economically justified, as provided in 42 U.S.C. 6295(o) and (p). (42 U.S.C. 6313(d)(4))

EPCA further provides that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notification of determination that standards for the product do not need to be amended, or a notice of proposed rulemaking (''NOPR'') including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(1)) Not later than three years after issuance of a final determination not to amend standards, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). (42 U.S.C. 6316(a); 42 U.S.C. 6295(m)(3)(B))

Under EPCA, any new or amended energy conservation standard must be designed to achieve the maximum improvement in energy efficiency that DOE determines is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)) Furthermore, the new or amended standard must result in a significant conservation of energy. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3)(B))

DOE is publishing this preliminary analysis to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered equipment, including automatic commercial ice makers. As noted, EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy efficiency (or water efficiency for certain equipment specified by EPCA) that is technologically feasible and economically justified. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(3))

The significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.[3] For example, the United States rejoined the Paris Agreement on February 19, 2021. As part of that agreement, the United States has committed to reducing GHG emissions in order to limit the rise in mean global temperature.[4] As such, energy savings that reduce GHG emissions have taken on greater importance. Additionally, some covered products and equipment have most of their energy consumption occur during periods of peak energy demand. The impacts of these products on the energy infrastructure can be more pronounced than products or equipment with relatively constant demand. In evaluating the significance of energy savings, DOE considers differences in primary energy and full-fuel cycle (''FFC'') effects for different covered products and equipment when determining whether energy savings are significant. Primary energy and FFC effects include the energy consumed in electricity production (depending on load shape), in distribution and transmission, and in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), and thus present a more complete picture of the impacts of energy conservation standards. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis, taking into account the significance of cumulative FFC national energy savings, the cumulative FFC emissions reductions, and the need to confront the global climate crisis, among other factors.

DOE has initially determined the energy savings estimated for the candidate standard levels considered in this preliminary analysis are ''significant'' within the meaning of 42 U.S.C. 6295(o)(3)(B).

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy (Secretary) considers relevant. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[3] Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 FR 70892, 70901 (Dec. 13, 2021).

[4] See Executive Order 14008, 86 FR 7619 (Feb. 1, 2021) (''Tackling the Climate Crisis at Home and Abroad'').

individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Analysis.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic impact on manufacturers and consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.
2. Lifetime operating cost savings compared to increased cost for the product.	• Markups for Product Price Analysis. • Energy and Water Use Analysis. • Life-Cycle Cost and Payback Period Analysis.
3. Total projected energy savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on utility or performance	• Screening Analysis. • Engineering Analysis.
5. Impact of any lessening of competition	• Manufacturer Impact Analysis.
6. Need for national energy and water conservation	• Shipments Analysis. • National Impact Analysis.
7. Other factors the Secretary considers relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits.[5] • Regulatory Impact Analysis.

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(B)(iii))

EPCA also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(4))

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories. DOE must specify a different standard level for a type or class of product that has the same function or intended use, if DOE determines that products within such group: (A) Consume a different kind of energy from that consumed by other covered products within such type (or class), or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard. (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)(1)) In determining whether a performance-related feature justifies a different standard for a group of products, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. (42 U.S.C. 6316(a); 42 U.S.C. 6295(q)(2))

Before proposing a standard, DOE typically seeks public input on the analytical framework, models, and tools that DOE intends to use to evaluate standards for the equipment at issue and the results of preliminary analyses DOE performed for the equipment.

DOE is examining whether to amend the current standards pursuant to its obligations under EPCA. This notification announces the availability of the preliminary TSD, which details the preliminary analyses and summarizes the preliminary results of DOE's analyses. In addition, DOE is announcing a public meeting to solicit feedback from interested parties on its analytical framework, models, and preliminary results.

C. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (''appendix A''), DOE notes that it is deviating from the provision in appendix A regarding the pre-NOPR stages for an energy conservation standards rulemaking. Section 6(a)(2) of

[5] On March 16, 2022, the Fifth Circuit Court of Appeals (No. 22–30087) granted the federal government's emergency motion for stay pending appeal of the February 11, 2022, preliminary injunction issued in *Louisiana* v. *Biden,* No. 21–cv–1074–JDC–KK (W.D. La.). As a result of the Fifth Circuit's order, the preliminary injunction is no longer in effect, pending resolution of the federal government's appeal of that injunction or a further court order. The preliminary injunction enjoined the federal government from relying on the interim estimates of the social cost of greenhouse gases—which were issued by the Interagency Working Group on the Social Cost of Greenhouse Gases on February 26, 2021—to monetize the benefits of reducing greenhouse gas emissions. In the absence of further intervening court orders, DOE will revert to its approach prior to the injunction and present monetized benefits in accordance with applicable Executive Orders.

appendix A states that if the Department determines it is appropriate to proceed with a rulemaking (after initiating the rulemaking process through an early assessment), the preliminary stages of a rulemaking to issue or amend an energy conservation standard that DOE will undertake will be a framework document and preliminary analysis, or an advance notice of proposed rulemaking (''ANOPR''). DOE is opting to deviate from this step by publishing a preliminary analysis without a framework document. A framework document is intended to introduce and summarize the various analyses DOE conducts during the rulemaking process and requests initial feedback from interested parties. As discussed further in the following section, prior to this notification of the preliminary analysis, DOE issued an early assessment request for information (''RFI'') in which DOE identified and sought comment on the analyses conducted in support of the most recent energy conservation standards rulemaking (80 FR 4646; Jan. 28, 2015 (the ''January 2015 Final Rule'')). 85 FR 60923, 60295 (Sept. 29, 2020) (the ''September 2020 RFI''). DOE provided a 75-day comment period for the early assessment RFI. 85 FR 60923. As DOE is intending to rely on substantively the same analytical methods as in the most recent rulemaking, publication of a framework document would be largely redundant with the published early assessment RFI. As such, DOE is not publishing a framework document.

Section 6(d)(2) of appendix A specifies that the length of the public comment period for pre-NOPR rulemaking documents will vary depending upon the circumstances of the particular rulemaking, but will not be less than 75 calendar days. For this preliminary analysis, DOE has opted to instead provide a 60-day comment period. As stated, DOE requested comment in the September 2020 RFI on the analysis conducted in support of the January 2015 Final Rule and provided stakeholders a 75-day comment period. For this preliminary analysis, DOE has relied on many of the same analytical assumptions and approaches as used in the previous rulemaking and has determined that a 60-day comment period in conjunction with the prior 75-day comment period provides sufficient time for interested parties to review the preliminary analysis and develop comments.

II. Background

A. Current Standards

In the January 2015 Final Rule, DOE prescribed the current energy conservation standards for automatic commercial ice makers manufactured on and after January 28, 2018. 80 FR 4646. These standards are set forth in DOE's regulations at 10 CFR 431.134(c) and (d) and are repeated in Table II.1 and Table II.2.

TABLE II.1—FEDERAL ENERGY CONSERVATION STANDARDS FOR BATCH AUTOMATIC COMMERCIAL ICE MAKERS

Equipment type	Condenser cooling	Harvest rate (*lb ice/24 h*)	Maximum energy use (*kWh/100 lbs ice*)	Maximum condenser water use ** (*gal/100 lbs ice*)
Ice-Making Head	Water	<300	6.88–0.0055H *	200–0.022H.
Ice-Making Head	Water	≥300 and <850	5.80–0.00191H	200–0.022H.
Ice-Making Head	Water	≥850 and <1,500	4.42–0.00028H	200–0.022H.
Ice-Making Head	Water	≥1,500 and <2,500	4	200–0.022H.
Ice-Making Head	Water	≥2,500 and <4,000	4	145.
Ice-Making Head	Air	<300	10–0.01233H	NA.
Ice-Making Head	Air	≥300 and <800	7.05–0.0025H	NA.
Ice-Making Head	Air	≥800 and <1,500	5.55–0.00063H	NA.
Ice-Making Head	Air	≥1,500 and <4,000	4.61	NA.
Remote Condensing (but Not Remote Compressor).	Air	<988	7.97–0.00342H	NA.
Remote Condensing (but Not Remote Compressor).	Air	≥988 and <4,000	4.59	NA.
Remote Condensing and Remote Compressor.	Air	<930	7.97–0.00342H	NA.
Remote Condensing and Remote Compressor.	Air	≥930 and <4,000	4.79	NA.
Self-Contained	Water	<200	9.5–0.019H	191–0.0315H.
Self-Contained	Water	≥200 and <2,500	5.7	191–0.0315H.
Self-Contained	Water	≥2,500 and <4,000	5.7	112.
Self-Contained	Air	<110	14.79–0.0469H	NA.
Self-Contained	Air	≥110 and <200	12.42–0.02533H	NA.
Self-Contained	Air	≥200 and <4,000	7.35	NA.

* H = harvest rate in pounds per 24 hours, indicating the water or energy use for a given harvest rate. Source: 42 U.S.C. 6313(d).
** Water use is for the condenser only and does not include potable water used to make ice.

TABLE II.2—FEDERAL ENERGY CONSERVATION STANDARDS FOR CONTINUOUS AUTOMATIC COMMERCIAL ICE MAKERS

Equipment type	Condenser cooling	Harvest rate (*lb ice/24 h*)	Maximum energy use (*kWh/100 lbs ice*)	Maximum condenser water use ** (*gal/100 lbs ice*)
Ice-Making Head	Water	<801	6.48–0.00267H	180–0.0198H.
Ice-Making Head	Water	≥801 and <2,500	4.34	180–0.0198H.
Ice-Making Head	Water	≥2,500 and <4,000	4.34	130.5.
Ice-Making Head	Air	<310	9.19–0.00629H	NA.

TABLE II.2—FEDERAL ENERGY CONSERVATION STANDARDS FOR CONTINUOUS AUTOMATIC COMMERCIAL ICE MAKERS—Continued

Equipment type	Condenser cooling	Harvest rate (*lb ice/24 h*)	Maximum energy use (*kWh/100 lbs ice*)	Maximum condenser water use ** (*gal/100 lbs ice*)
Ice-Making Head	Air	≥310 and <820	8.23–0.0032H	NA.
Ice-Making Head	Air	≥820 and <4,000	5.61	NA.
Remote Condensing (but Not Remote Compressor).	Air	<800	9.7–0.0058H	NA.
Remote Condensing (but Not Remote Compressor).	Air	≥800 and <4,000	5.06	NA.
Remote Condensing and Remote Compressor.	Air	<800	9.9–0.0058H	NA.
Remote Condensing and Remote Compressor.	Air	≥800 and <4,000	5.26	NA.
Self-Contained	Water	<900	7.6–0.00302H	153–0.0252H.
Self-Contained	Water	≥900 and <2,500	4.88	153–0.0252H.
Self-Contained	Water	≥2,500 and <4,000	4.88	90.
Self-Contained	Air	<200	14.22–0.03H	NA.
Self-Contained	Air	≥200 and <700	9.47–0.00624H	NA.
Self-Contained	Air	≥700 and <4,000	5.1	NA.

B. Current Process

In the September 2020 RFI, DOE published a notification that it was initiating an early assessment review to determine whether any new or amended standards would satisfy the relevant requirements of EPCA for a new or amended energy conservation standard for automatic commercial ice makers as well as a request for information. 85 FR 60923.

Comments received to date as part of the current process have helped DOE identify and resolve issues related to the preliminary analyses. Chapter 2 of the preliminary TSD summarizes and addresses the comments received.

III. Summary of the Analyses Performed by DOE

For the equipment covered in this preliminary analysis, DOE conducted in-depth technical analyses in the following areas: (1) Engineering, (2) markups to determine product price, (3) energy use, (4) life-cycle cost (''LCC'') and payback period (''PBP''), and (5) national impacts. The preliminary TSD that presents the methodology and results of each of these analyses is available at *www.regulations.gov/#!docketDetail;D=EERE-2017-BT-STD-0022.*

DOE also conducted, and has included in the preliminary TSD, several other analyses that support the major analyses or are preliminary analyses that will be expanded if DOE determines that a NOPR is warranted to propose amended energy conservation standards. These analyses include (1) the market and technology assessment; (2) the screening analysis, which contributes to the engineering analysis; and (3) the shipments analysis, which contributes to the LCC and PBP analysis and the national impact analysis (''NIA''). In addition to these analyses, DOE has begun preliminary work on the manufacturer impact analysis and has identified the methods to be used for the consumer subgroup analysis, the emissions analysis, the employment impact analysis, the regulatory impact analysis, and the utility impact analysis. DOE will expand on these analyses in the NOPR should one be issued.

A. Market and Technology Assessment

DOE develops information in the market and technology assessment that provides an overall picture of the market for the equipment concerned, including general characteristics of the equipment, the industry structure, manufacturers, market characteristics, and technologies used in the equipment. This activity includes both quantitative and qualitative assessments, based primarily on publicly available information. The subjects addressed in the market and technology assessment include (1) a determination of the scope of the rulemaking and equipment classes, (2) manufacturers and industry structure, (3) existing efficiency programs, (4) shipments information, (5) market and industry trends, and (6) technologies or design options that could improve the energy efficiency of the equipment.

See chapter 3 of the preliminary TSD for further discussion of the market and technology assessment.

B. Screening Analysis

DOE uses the following five screening criteria to determine which technology options are suitable for further consideration in an energy conservation standards rulemaking:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production and reliable installation and servicing of a technology in commercial products could not be achieved on the scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on equipment utility or equipment availability.* If it is determined that a technology would have a significant adverse impact on the utility of the equipment for significant subgroups of consumers or would result in the unavailability of any covered equipment type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as equipment generally available in the United States at the time, it will not be considered further.

(4) *Adverse impacts on health or safety.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-pathway proprietary technologies.* If a design option utilizes proprietary technology that represents a unique pathway to achieving a given efficiency level, that technology will not be considered further due to the potential for monopolistic concerns. 10 CFR 431.4; 10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

If DOE determines that a technology, or a combination of technologies, fails to meet one or more of the listed five criteria, it will be excluded from further consideration in the engineering analysis.

See chapter 4 of the preliminary TSD for further discussion of the screening analysis.

C. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of automatic commercial ice makers. There are two elements to consider in the engineering analysis: The selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of equipment cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency equipment, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each equipment class, DOE estimates the manufacturer production cost (''MPC'') for the baseline as well as higher efficiency levels. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the LCC and PBP analyses and the NIA).

DOE converts the MPC to the manufacturer selling price (''MSP'') by applying a manufacturer markup. The MSP is the price the manufacturer charges its first customer, when selling into the equipment distribution channels. The manufacturer markup accounts for manufacturer non-production costs and profit margin. DOE developed the manufacturer markup by examining publicly available financial information for manufacturers of the covered product.

See chapter 5 of the preliminary TSD for additional detail on the engineering analysis. See chapter 12 of the preliminary TSD for additional detail on the manufacturer markup.

D. Markups Analysis

The markups analysis develops appropriate markups (*e.g.,* retailer markups, distributor markups, contractor markups) in the distribution chain and sales taxes to convert MSP estimates derived in the engineering analysis to consumer prices, which are then used in the LCC and PBP analysis. At each step in the distribution channel, companies mark up the price of the product to cover business costs and profit margin.

DOE developed baseline and incremental markups for each actor in the distribution chain. Baseline markups are applied to the price of products with baseline efficiency, while incremental markups are applied to the difference in price between baseline and higher-efficiency models (the incremental cost increase). The incremental markup is typically less than the baseline markup and is designed to maintain similar per-unit operating profit before and after new or amended standards.[6]

Chapter 6 of the preliminary TSD provides details on DOE's development of markups for automatic commercial ice makers.

E. Energy Use Analysis

The purpose of the energy use analysis is to determine the annual energy consumption of automatic commercial ice makers at different efficiencies in representative commercial buildings, and to assess the energy savings potential of increased ACIM efficiency. The energy use analysis estimates the range of energy use of automatic commercial ice makers in the field (*i.e.,* as they are actually used by consumers). The energy use analysis provides the basis for other analyses DOE performed, particularly assessments of the energy savings and the savings in consumer operating costs that could result from adoption of amended or new standards.

Chapter 7 of the preliminary TSD addresses the energy use analysis.

F. Life-Cycle Cost and Payback Period Analyses

The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE used the following two metrics to measure consumer impacts:

- The LCC is the total consumer expense of equipment over the life of that equipment, consisting of total installed cost (MSP, distribution chain markups, sales tax, and installation costs) plus operating costs (expenses for energy use, maintenance, and repair). To compute the operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the equipment.
- The PBP is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost (including installation) of more-efficient equipment through lower operating costs. DOE calculates the PBP by dividing the change in purchase cost at higher efficiency levels by the change in annual operating cost for the year that amended or new standards are assumed to take effect.

Chapter 8 of the preliminary TSD addresses the LCC and PBP analyses.

G. National Impact Analysis

The NIA estimates the national energy savings (''NES''), national water savings (''NWS''), and the net present value (''NPV'') of total consumer costs and savings expected to result from amended standards at specific efficiency levels (referred to as candidate standard levels).[7] DOE calculates the NES, NWS, and NPV for the potential standard levels considered based on projections of annual equipment shipments, along with the annual energy consumption and total installed cost data from the energy use and LCC analyses. For the present analysis, DOE projected the energy savings, operating cost savings, equipment costs, and NPV of consumer benefits over the lifetime of automatic commercial ice makers sold from 2027 through 2056.

DOE evaluates the impacts of new or amended standards by comparing a case without such standards with standards case projections (''no-new-standards case''). The no-new-standards case characterizes energy use and consumer costs for each equipment class in the absence of new or amended energy conservation standards. For this projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the no-new-standards case with projections characterizing the market for each equipment class if DOE adopted new or amended standards at specific energy efficiency levels for that class. For each efficiency level, DOE considers how a given standard would likely affect the market shares of equipment with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the

[6] Because the projected price of standards-compliant equipment is typically higher than the price of baseline equipment, using the same markup for the incremental cost and the baseline cost would result in higher per-unit operating profit. While such an outcome is possible, DOE maintains that in markets that are reasonably competitive it is unlikely that standards would lead to a sustainable increase in profitability in the long run.

[7] The NIA accounts for impacts in the 50 states and U.S. territories.

national consumer costs and savings from each efficiency level. Interested parties can review DOE's analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs. Critical inputs to this analysis include shipments projections, estimated equipment lifetimes, installed costs and operating costs, annual energy consumption, the base case efficiency projection, and discount rates.

DOE estimates a combined total of 0.324 quads of site energy savings at the max-tech efficiency levels for automatic commercial ice makers. Combined site energy savings at efficiency level 1 for all equipment classes are estimated to be 0.030 quads.

Chapter 10 of the preliminary TSD addresses the NIA.

IV. Public Participation

DOE invites public engagement in this process through participation in the webinar and submission of written comments, data, and information. After the webinar and the closing of the comment period, DOE will consider all timely-submitted comments and additional information obtained from interested parties, as well as information obtained through further analyses. Following such consideration, the Department will publish either a determination that the energy conservation standards for automatic commercial ice makers need not be amended or a NOPR proposing to amend those standards. The NOPR, should one be issued, would include proposed energy conservation standards for the products covered by this rulemaking, and members of the public would be given an opportunity to submit written and oral comments on the proposed standards.

A. Participation in the Webinar

The time and date for the webinar meeting are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website:*www.energy.gov/eere/buildings/public-meetings-and-comment-deadlines.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this document, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the webinar. Such persons may submit requests to speak via email to the Appliance and Equipment Standards Program at: *ApplianceStandardsQuestions@ee.doe.gov.* Persons who wish to speak should include with their request a computer file in Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

C. Conduct of the Webinar

DOE will designate a DOE official to preside at the webinar and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the webinar. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the webinar and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The webinar will be conducted in an informal, conference style. DOE will present a general overview of the topics addressed in this rulemaking, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the webinar/public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the webinar.

A transcript of the webinar will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this document. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE invites all interested parties, regardless of whether they participate in the public meeting webinar, to submit in writing no later than the date provided in the **DATES** section at the beginning of this document, comments and information on matters addressed in this notification and on other matters relevant to DOE's consideration of potential amended energy conservations standards for automatic commercial ice makers. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via *www.regulations.gov.* The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. If this instruction is followed, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information

(''CBI'')). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of availability of the preliminary technical support document and request for comment.

Signing Authority

This document of the Department of Energy was signed on March 17, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 22, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–06313 Filed 3–24–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0154; Project Identifier AD–2021–01153–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 all The Boeing Company Model 777 airplanes. This proposed AD was prompted by a report of a crack found in a front spar lower chord undergoing an underwing longeron replacement. This proposed AD would require repetitive inspections for cracking of the left and right side ring chords, repair angles, front spar lower chords, and front spar webs (depending on configuration) common to the underwing longeron located at station (STA) 1035; modification of the front spar lower chord for some airplanes; repetitive post-modification inspections; and applicable on-condition actions. 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 May 9, 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–2022–0154.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0154; 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: Luis Cortez-Muniz, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3958; email: *luis.a.cortez-muniz@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–2022–0154; Project Identifier AD–2021–01153–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 Luis Cortez-Muniz, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3958; email: *luis.a.cortez-muniz@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 of a crack found in the front spar lower chord of a Model 777–300ER airplane undergoing an underwing longeron replacement. The affected airplane had 6,303 flight cycles and 53,727 flight hours. The crack was found near a critical fastener hole in the front spar lower chord; the underwing longeron was not cracked. Cracking in the front spar lower chord can lead to cracking in the front spar web. The front spar web is protected against fuel leaks from small cracks by a secondary barrier on the forward side of the front spar bulkhead. If a crack in the front spar web grows to a critical length, that cracking could result in a fuel leak from the center wing tank into the environmental control system (ECS) mix bay. This condition, if not addressed, could result in a fuel leak and fire hazard, or in the case of more severe cracking, also affect the structural integrity of the airplane.

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 Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021. This service information specifies procedures for repetitive high frequency eddy current (HFEC), detailed, and ultrasonic inspections (depending on configuration) for cracking of the left and right side ring chords, repair angles, front spar lower chords, and front spar webs (depending on configuration) common to the underwing longeron located at STA 1035; modification of the front spar lower chord for some airplanes; repetitive post-modification inspections; and applicable on-condition actions. On-condition actions include repair. 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 and 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–2022–0154.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 261 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
Inspection(s)	44 work-hours × $85 per hour = $3,750 per inspection cycle.	$0	$3,750 per inspection cycle.	$976,140 per inspection cycle.
Modification *	137 work-hours × $85 per hour = $11,645	$47,964	$59,609	Up to $15,557,949.
Post-modification inspection(s) *.	46 work-hours × $85 per hour = $3,910 per inspection cycle.	$0	$3,910 per inspection cycle.	Up to $1,020,510 per inspection cycle.

* Number of affected airplanes that will be required to do this action is unknown.

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

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–2022–0154; Project Identifier AD–2021–01153–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 9, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 777–200, –200LR, –300, –300ER, and 777F airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of a crack found in a front spar lower chord undergoing an underwing longeron replacement. The FAA is issuing this AD to detect and correct such cracking, which in combination with cracking in the front spar web, could result in a fuel leak and fire hazard, or in the case of more severe cracking, could also affect the structural integrity of the airplane.

(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 777–57A0122 RB, dated October 8, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021. Actions identified as terminating action in Boeing Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021, 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 777–57A0122 RB, dated October 8, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–5A0122, dated October 8, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021, use the phrase ''the original issue date of Requirements Bulletin 777–57A0122 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 777–57A0122 RB, dated October 8, 2021, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) 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 paragraph (j)(1) of this AD. 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.

(j) Related Information

(1) For more information about this AD, contact Luis Cortez-Muniz, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3958; email: *luis.a.cortez-muniz@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 March 7, 2022.

Derek Morgan,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–06319 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0156; Project Identifier AD–2021–01474–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 supersede Airworthiness Directive (AD) AD 2021–06–03, which applies to all The Boeing Company Model 777F series airplanes. AD 2021–06–03 requires deactivating the potable water system. Since the FAA issued AD 2021–06–03, Boeing developed new actions to address the unsafe condition, which terminate the action required by AD 2021–06–03. This proposed AD would retain the actions required by AD 2021–06–03 and would require installing a shroud to the water supply line in the forward cargo compartment, and performing a leak test of the potable water system. For certain airplanes, this proposed AD would also require replacing tubes and hoses from the water supply line and installing a shroud to the water return line. 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 May 9, 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 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–2022–0156.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0156; 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: Courtney Tuck, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3986; email: *Courtney.K.Tuck@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–2022–0156; Project Identifier AD–2021–01474–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 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 Courtney Tuck, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3986; email: *Courtney.K.Tuck@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–06–03, Amendment 39–21469 (86 FR 12809, March 5, 2021) (AD 2021–06–03), for all The Boeing Company Model 777F series airplanes. AD 2021–06–03 was prompted by a report of a water supply line that detached above an electronic equipment (EE) cooling filter, leading to water intrusion into the forward EE bay. AD 2021–06–03 requires deactivating the potable water system. The agency issued AD 2021–06–03 to address water entering the EE cooling system via the cooling filter, which can affect multiple EE bay racks and line replaceable units (LRUs), resulting in loss of functionality or inaccurate output of critical electrical systems and possible loss of control of the airplane.

The reported water supply detachment occurred on a Model 777F series airplane with 34,000 total flight hours and 6,000 total flight cycles. During potable water servicing on ground, the operator received multiple messages appearing on the engine indication and crew alert system (EICAS) indicating multiple affected EE LRUs. Further investigation revealed that the location of a joint on a swaged end fitting ferrule of a corrosion resistant stainless steel (CRES) water supply line had become partially or fully detached from the tube, causing water to spill onto an EE cooling filter (directly below the fitting) in the left-hand sidewall at station (STA) 571. The amount and duration of the water spillage are unknown. Water saturated the cooling filter, which was then blown via the EE cooling system into multiple EE LRUs located in the EE bay.

Model 777F series airplanes line numbers (L/Ns) 960 and subsequent

have a joint at this location from the factory-installed CRES tube assembly. Boeing released Service Bulletin 777–38–0042 as an economic service bulletin providing operators with airplanes prior to L/N 960 instructions to retrofit to this configuration at their discretion. Therefore, AD 2021–06–03 requires deactivation of the potable water system for all 777F airplanes with this joint installed either in production or through accomplishment of Boeing SB 777–38–0042.

Actions Since AD 2021–06–03 Was Issued

Since the FAA issued AD 2021–06–03, the FAA has determined that further rulemaking is necessary. The preamble to AD 2021–06–03 specifies that the FAA considers the requirements ''interim action'' and that the manufacturer is developing a modification to address the unsafe condition. That AD explains that the FAA might consider further rulemaking if a modification is developed, approved, and available. The manufacturer now has developed such a modification, and this proposed AD follows from that determination.

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 Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021. This service information specifies procedures for replacing tubes and hoses from the water supply line and installing a shroud to the water supply and return lines in the forward cargo compartment and performing a leak test of the potable water system.

This proposed AD would also require Boeing Multi Operator Message MOM–MOM–21–0089–01B, dated February 26, 2021, which the Director of the Federal Register approved for incorporation by reference as of March 5, 2021 (86 FR 12809, March 5, 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 **ADDRESSES**.

Proposed AD Requirements in this NPRM

This proposed AD would retain all of the requirements of AD 2021–06–03. This proposed AD would also require accomplishment of the actions identified in Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the future accomplishment of the actions specified in Boeing Service Bulletin 777–38–0042.

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–2022–0156.

Difference Between This AD and the Service Information

Boeing Multi Operator Message MOM–MOM–21–0089–01B, dated February 26, 2021, specifies one Safety Action and six Recommended Actions. Although the FAA recommends accomplishment of all of these actions, this proposed AD would require only deactivation of the potable water system, as specified in the Safety Action of the service information.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 58 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
Deactivation of potable water system (retained actions from AD 2021–06–03).	2 work-hours × $85 per hour = $170	$0	$170	$9,860.
Replace tubes and hoses, and install shroud (new proposed action).	Up to 12 work-hours × $85 per hour = Up to $1,020.	Up to $1,850	Up to $2,870	Up to $166,460.
Potable water system leak test (new proposed action).	2 work-hours × $85 per hour = $170	$0	$170	$9,860.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–06–03, Amendment 39–21469 (86 FR 12809, March 5, 2021), and

■ b. Adding the following new AD:

The Boeing Company: Docket No. FAA–2022–0156; Project Identifier AD–2021–01474–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by May 9, 2022.

(b) Affected ADs

This AD replaces AD 2021–06–03, Amendment 39–21469 (86 FR 12809, March 5, 2021) (AD 2021–06–03).

(c) Applicability

This AD applies to all The Boeing Company Model 777F series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 38, Water/waste.

(e) Unsafe Condition

This AD was prompted by a report of a water supply line that detached at a certain joint located above an electronic equipment (EE) cooling filter, leading to water intrusion into the forward EE bay. This AD was also prompted by the development of new actions to address the unsafe condition. The FAA is issuing this AD to address water entering the EE cooling system via the cooling filter, which can affect multiple EE bay racks and line replaceable units (LRUs), resulting in loss of functionality or inaccurate output of critical electrical systems and possible loss of control of the airplane.

(f) Compliance

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

(g) Retained Deactivation of Potable Water System, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2021–06–03, with no changes. For the airplanes identified in paragraphs (g)(1) and (2) of this AD: Within 5 days after March 5, 2021 (the effective date of AD 2021–06–03), deactivate the potable water system, in accordance with Boeing Multi Operator Message MOM–MOM–21–0089–01B, dated February 26, 2021 (Boeing MOM–MOM–21–0089–01B).

(1) Line numbers (L/Ns) 959 and earlier on which the actions specified in Boeing Service Bulletin 777–38–0042 have been accomplished.

(2) L/Ns 960 and subsequent.

Note 1 to paragraph (g): Guidance on deactivating the potable water system can be found in Boeing 777 Aircraft Maintenance Manual (AMM) Task 38–10–00–040–801.

(h) Retained Installation Prohibition, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2021–06–03, with no changes. For airplanes not identified in paragraph (g) of this AD: As of March 5, 2021 (the effective date of AD 2021–06–03), accomplishment of the actions specified in Boeing Service Bulletin 777–38–0042 is prohibited.

(i) Retained Reporting Provisions, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2021–06–03, with no changes. Although Boeing MOM–MOM–21–0089–01B specifies to report inspection findings, this AD does not require any report.

(j) New Required Actions

Except as specified by paragraph (k) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021.

Note 1 to paragraph (j): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 777–38A0048, dated October 18, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021.

(k) Exceptions to Service Information Specifications

Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021, use the phrase ''the Original Issue date of Requirements Bulletin 777–38A0048 RB,'' this AD requires using ''the effective date of this AD.''

(l) Terminating Action for Deactivation of Potable Water System

Accomplishment of the required actions specified in the Accomplishment Instructions of Boeing Alert Requirements Bulletin 777–38A0048 RB, dated October 18, 2021, terminates the potable water system deactivation required by paragraph (g) of this AD.

(m) 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 paragraph (n)(1) of this AD. 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.

(n) Related Information

(1) For more information about this AD, contact Courtney Tuck, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3986; email: *Courtney.K.Tuck@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 March 7, 2022.

Derek Morgan,

Acting Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–06315 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0248; Airspace Docket No. 22–AGL–4]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–24, V–78, V–181, and V–398; and Establishment of Area Navigation (RNAV) Route T–462; in the Vicinity of Watertown, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend four VHF Omnidirectional Range (VOR) Federal airways and establish a new RNAV T-route in the vicinity of Watertown, South Dakota. This action is necessary due to the planned decommissioning of the VOR portion of the Watertown, SD, VOR/Tactical Air Navigation (VORTAC), which provides navigational guidance to portions of the affected VOR Federal airways. The Watertown VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (VOR MON) program.

DATES: Comments must be received on or before May 9, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0248; Airspace Docket No. 22–AGL–4 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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 Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–0248; Airspace Docket No. 22–AGL–4) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–0248; Airspace Docket No. 22–AGL–4.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

Background

The FAA is planning decommissioning activities for the VOR portion of the Watertown, SD, VORTAC in December 2022. The Watertown VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the NextGen Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR MON),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the Watertown VORTAC is planned for decommissioning, the co-located DME portion of the navigational aid is being retained in support of current and future RNAV procedures.

The VOR Federal airways affected by the Watertown VOR are V–24, V–78, V–181, and V–398. With the planned decommissioning of the Watertown VOR, the remaining ground-based navigational aid coverage in the area is

insufficient to enable the continuity of these affected airways. As such, the proposed modifications would result in the removal of airway segments.

To overcome the impacts from the loss of portions of the airways, instrument flight rules (IFR) traffic could use adjacent airways, including V–2, V–148, V–170, V–175, and V–344, or receive air traffic control radar vectors to fly through or around the affected areas. Aircraft equipped with RNAV capabilities could also file point to point through the affected area using the fixes that will remain in place, use alternate RNAV routes, including T–322, T–405, and T–407, or use the new RNAV route, T–462, proposed in this action. Visual flight rules (VFR) pilots who elect to navigate via the affected ATS routes could also take advantage of the adjacent ATS routes or ATC services listed previously.

Further, the FAA proposes to establish RNAV T-route, T–462, to mitigate the proposed removal of the airway segments for V–24 between the Aberdeen, SD, VOR/DME and the Watertown, SD, VORTAC and for V–78 between the Watertown, SD, VORTAC and the Darwin, MN, VORTAC. The new route would provide navigational options in areas of limited or no radar coverage to pilots whose aircraft are RNAV equipped, as well as, support the FAA's efforts to transition the National Airspace System from ground-based to satellite-based navigation.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend four VOR Federal airways and establish one RNAV T-route. The proposed Air Traffic Service (ATS) route actions are described below.

V–24: V–24 currently extends between the Aberdeen, SD, VOR/DME and the Rochester, MN, VOR/DME; between the Janesville, WI, VOR/DME and the Northbrook, IL, VOR/DME; and between the Peotone, IL, VORTAC and the Brickyard, IN, VORTAC. The FAA proposes to remove the airway segment between the Aberdeen, SD, VOR/DME and the Redwood Falls, MN, VOR/DME. This would result in the first segment of the airway extending between the Redwood Falls, MN, VOR/DME and the Rochester, MN, VOR/DME. The second and third segments of the airway would remain unchanged.

V–78: V–78 currently extends between the Watertown, SD, VORTAC and the Escanaba, MI, VOR/DME; and between the Pellston, MI, VORTAC and the Saginaw, MI, VOR/DME. The FAA proposes to remove the airway segment between the Watertown, SD, VORTAC and the Darwin, MN, VORTAC. This would result in the first segment of the airway extending between the Darwin, MN, VORTAC and the Escanaba, MI, VOR/DME. The second segment of the airway would remain unchanged.

V–181: V–181 currently extends between the Kirksville, MO, VORTAC and the Grand Forks, ND, VOR/DME. The FAA proposes to remove the airway segment between the Sioux Falls, SD, VORTAC and the Fargo, ND, VOR/DME. This would result in the airway extending between the Kirksville, MO, VORTAC and the Sioux Falls, SD, VORTAC; and between the Fargo, ND, VOR/DME and the Grand Forks, ND, VOR/DME.

V–398: V–398 currently extends between the Aberdeen, SD, VOR/DME and the Rochester, MN, VOR/DME. The FAA proposes to remove the airway segment between Aberdeen, SD, VOR/DME and the Redwood Falls, MN, VOR/DME. This would result in the airway extending between the Redwood Falls, MN, VOR/DME and the Rochester, MN, VOR/DME.

T–462: T–462 would be a new RNAV route that extends between the Bismarck, ND, VOR/DME and the GENEO, MN, waypoint (WP) located near the Darwin, MN, VOR.

All navigational aid radials listed in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a), and RNAV T-routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which are incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be published subsequently in FAA JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–24 [Amended]

From Redwood Falls, MN; to Rochester, MN. From Janesville, WI; INT Janesville 112° and Northbrook, IL, 291° radials; to Northbrook. From Peotone, IL; INT Peotone 152° and Brickyard, IN, 312° radials; to Brickyard.

* * * * *

V–78 [Amended]

From Darwin, MN; Gopher, MN; INT Gopher 091° and Eau Claire, WI, 290° radials; Eau Claire; Rhinelander, WI; Iron Mountain, MI; to Escanaba, MI. From Pellston, MI; Alpena, MI; INT Alpena 232° and Saginaw, MI, 353° radials; to Saginaw.

* * * * *

V–181 [Amended]

From Kirksville, MO; Lamoni, IA; Omaha, IA; Norfolk, NE; Yankton, SD; to Sioux Falls, SD. From Fargo, ND; to Grand Forks, ND.

* * * * *

V–398 [Amended]

From Redwood Falls, MN; to Rochester, MN.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–462 Bismarck, ND (BIS) to GENEO, MN [New]

Bismarck, ND (BIS)	VOR/DME	(Lat. 46°45′42.34″ N, long. 100°39′55.47″ W)
Aberdeen, SD (ABR)	VOR/DME	(Lat. 45°25′02.48″ N, long. 098°22′07.39″ W)
FFORT, SD	WP	(Lat. 44°58′47.45″ N, long. 097°08′30.36″ W)
GENEO, MN	WP	(Lat. 45°05′15.37″ N, long. 094°27′14.30″ W)

Issued in Washington, DC, on March 21, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–06311 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0243; Airspace Docket No. 22–AGL–5]

RIN 2120–AA66

Proposed Amendment of VOR Federal Airways V–26 and V–63; Establishment of Area Navigation (RNAV) Route T–464; and Revocation of the Wausau, WI, Low Altitude Reporting Point; in the Vicinity of Wausau, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend two VHF Omnidirectional Range (VOR) Federal airways, establish one RNAV T-route, and revoke one Low Altitude Reporting Point in the vicinity of Wausau, Wisconsin. This action is necessary due to the planned decommissioning of the VOR portion of the Wausau, WI, VOR/Distance Measuring Equipment (DME) which provides navigational guidance to portions of the affected Air Traffic Service (ATS) routes. The Wausau VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (VOR MON) program.

DATES: Comments must be received on or before May 9, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0243; Airspace Docket No. 22–AGL–5 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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 Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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 the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–0243; Airspace Docket No. 22–AGL–5) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–0243; Airspace Docket No. 22–AGL–5.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

Background

The FAA is planning decommissioning activities for the VOR portion of the Wausau, WI, VOR/DME in December 2022. The Wausau VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the NextGen Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR MON),'' published in the **Federal Register** of July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082. Although the VOR portion of the Wausau VOR/DME is planned for decommissioning, the co-located DME portion of the navigational aid is being retained in support of current and future RNAV procedures.

The VOR Federal airways affected by the Wausau VOR are V–26 and V–63. With the planned decommissioning of the Wausau VOR, the remaining ground-based navigational aid coverage in the area is insufficient to enable the continuity of these affected airways. As such, the proposed modifications would result in the removal of airway segments.

To overcome the impacts from the loss of portions of the airways, instrument flight rules (IFR) traffic may use adjacent airways, including V–9, V–78, V–191, V–217, V–413, and V–493, to navigate through or around the affected areas or could receive air traffic control radar vectors through the area. Aircraft equipped with RNAV capabilities may file point to point through the affected area using the fixes that will remain in place or use the proposed new RNAV route, T–464, which is proposed as part of this action. Visual flight rules (VFR) pilots may utilize the ATC services previously listed.

Additionally, to mitigate the proposed removal of the V–26 airway segment between the Wausau, WI, VOR/DME and Green Bay, WI, VOR/Tactical Air Navigation (VORTAC) navigational aids, the FAA would establish a new RNAV route, T–464. The proposed new T–464 would also provide navigational options in areas of limited or no radar coverage to pilots whose aircraft are RNAV equipped, as well as, support the FAA's efforts to transition the National Airspace System from ground-based to satellite-based navigation.

Finally, the FAA has determined the Wausau, WI, Domestic Low Altitude Reporting Point would no longer be required by air traffic control. As such, the Wausau, WI, reporting point would also be revoked in this action.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend two VOR Federal airways, establish one RNAV T-route, and revoke one Domestic Low Altitude Reporting Point. The proposed ATS route and Reporting Point actions are described below.

V–26: V–26 currently extends between the Blue Mesa, CO, VOR/DME and the Pierre, SD, VORTAC; and between the Redwood Falls, MN, VOR/DME and the White Cloud, MI, VOR/DME. The FAA proposes to remove the airway segment between the Eau Claire, WI, VOR/DME and the Green Bay, WI, VORTAC. As a result, V–26 would extend between the Blue Mesa, CO, VOR/DME and the Pierre, SD, VORTAC; between the Redwood Falls, MN, VOR/DME and the Eau Claire, WI, VOR/DME; and between the Green Bay, WI, VORTAC and the White Cloud, MI, VOR/DME. Concurrent changes to other segments of V–26 are proposed in a separate rulemaking action.

V–63: V–63 currently extends between the Razorback, AR, VORTAC and the Davenport, IA, VORTAC; between the Janesville, WI, VOR/DME and the Oshkosh, WI, VORTAC; and between the Wausau, WI, VOR/DME and the Houghton, MI, VOR/DME. The airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy, IL, when the Howard West MOA is active, is excluded. The FAA proposes to remove the airway segment between the Wausau, WI, VOR/DME and the Rhinelander, WI, VOR/DME. As a result, V–63 would extend between the Razorback, AR, VORTAC and the Davenport, IA, VORTAC; between the Janesville, WI, VOR/DME and the Oshkosh, WI, VORTAC; and between the Rhinelander, WI, VOR/DME and the Houghton, MI, VOR/DME. The excluded airspace would remain unchanged.

T–464: T–464 would be a new RNAV route that is proposed to extend between the CUSAY, WI, waypoint (WP) located northwest of Eau Clarie, WI, and the CHURP, WI, fix located near Clintonville, WI.

Wausau, WI: The Wausau, WI, Domestic Low Altitude Reporting Point is proposed to be revoked.

All of the navigational aid radials listed in the VOR Federal airway descriptions below are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a), RNAV T-routes are published in paragraph 6011, and Domestic Low Altitude Reporting Points are published in paragraph 7001 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which are incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document would be published subsequently in FAA JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed 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 Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–26 [Amended]

From Blue Mesa, CO; Montrose, CO; 13 miles 112 MSL, 131 MSL, Grand Junction, CO; Meeker, CO; Cherokee, WY; Muddy Mountain, WY; 14 miles, 37 miles 75 MSL, 84 miles 90 MSL, Rapid City, SD; Philip, SD; to Pierre, SD. From Redwood Falls, MN; Farmington, MN; to Eau Claire, WI. From Green Bay, WI; INT Green Bay 116° and White Cloud, MI, 302° radials; to White Cloud.

* * * * *

V–63 [Amended]

From Razorback, AR; Springfield, MO; Hallsville, MO; Quincy, IL; Burlington, IA; Moline, IL; to Davenport, IA. From Janesville, WI; Badger, WI; to Oshkosh, WI. From Rhinelander, WI; to Houghton, MI. Excluding that airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy, IL, when the Howard West MOA is active.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–464 CUSAY, WI to CHURP, WI [New]

CUSAY, WI	WP	(Lat. 46°01′07.84″ N, long. 091°26′47.14″ W)
TONOC, WI	WP	(Lat. 45°03′47.56″ N, long. 091°38′11.87″ W)
EDGRR, WI	WP	(Lat. 44°51′31.83″ N, long. 089°56′43.06″ W)
HEVAV, WI	WP	(Lat. 44°50′48.43″ N, long. 089°35′12.51″ W)
CHURP, WI	FIX	(Lat. 44°42′54.82″ N, long. 088°56′48.69″ W)

* * * * *

Paragraph 7001 Domestic Low Altitude Report Points.

* * * * *

Wausau, WI [Removed]

* * * * *

Issued in Washington, DC, on March 22, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–06312 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 861

[Docket No. USAF–2019–HQ–0010]

RIN 0701–AA88

Department of Defense Commercial Air Transportation Quality and Safety Review Program

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force (DAF) proposes to amend portions of its regulations in order to update and clarify references and terminology relating to the Department of Defense (DOD) Commercial Air Transportation Quality and Safety Review Program. It also extends to DOD contracts for charter air transportation services the existing DOD policy prohibiting the use of foreign air carriers who are not in compliance with International Civil Aviation Organization standards.

DATES: Comments must be received by May 24, 2022.

ADDRESSES: You may submit comments, identified by docket number and or Regulation Identifier Number (RIN) and title, by any of the following methods:

• *Federal Rulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* DOD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name and docket number or RIN 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 at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Matthew Berry, DOD Commercial Airlift Division, AMC/A3B, 402 Scott Drive, Unit 3A1, Scott Air Force Base, Illinois 62225–5302, (618) 229–2082, *matthew.berry@us.af.mil.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Defense Commercial Air Transportation Quality and Safety Review Program establishes the safety requirements and criteria for evaluating civil air carriers, to include foreign air carriers, providing air transportation to the DOD. As stated in 32 CFR 861.6, foreign air carriers providing or seeking to provide services to DOD are subject to review and, if appropriate, approval by DOD. Application of the criteria and requirements of this rule and the degree of oversight to be exercised by DOD over a foreign air carrier depends upon the type of services performed and, in some instances, by the quality of oversight exercised by the foreign air carrier's Civilian Aviation Authority (CAA). The scope and frequency of review of any given foreign air carrier under this rule will be at the discretion of the Commercial Airlift Review Board (CARB) or higher authority. This rule was last revised on October 28, 2002 (67 FR 65698), to add § 861.7 relating to the disclosure of voluntarily provided safety-related information and to make minor administrative adjustments. DOD's internal instruction associated with this rule was last updated on May 7, 2021, as DOD Instruction (DODI) 4500.53, ''DoD Commercial Air Transportation Quality and Safety Review Program'' (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/450053p.pdf?ver=2019-02-26-144429-747*).

II. Authority for This Regulatory Action

This action is authorized by 10 U.S.C. 113, 2640 and 9013. Sections 113 and 9013 contain the authority of the Secretary of Defense and the Secretary of the Air Force, respectively, to publish regulations necessary for the functioning of the Department of Defense and the Department of the Air Force. Section 2640 requires the Secretary of Defense to establish the Department of Defense Commercial Airlift Review Board; specifies minimum requirements which must be

met by air carriers in order to be eligible for contracts to provide charter passenger air transportation services to the Department of Defense; and sets minimum requirements for an inspection regime. Further, section 2640 requires the Secretary of Defense to prescribe regulations to implement the requirements of section 2640. Additionally, section 2640 prescribes requirements relating to the provision, protection, and dissemination of safety-related information.

III. Summary of Proposed Changes to the Rule

The proposed revisions clarify aircrew flying a charter mission on behalf of the Department of Defense must, without exception, have a minimum of 250 hours flying time in the type of aircraft being operated. The rule also proposes to elaborate and revise several aspects of the oversight program to more closely resemble Federal Aviation Administration processes, thus reducing complexity and the need to maintain duplicative and potentially conflicting processes.

Every country has a National Aviation Authority, also known as a Civil Aviation Authority, which governs and regulates civil aviation. Each aviation authority oversees aircraft airworthiness, the licensing of pilots, air traffic controllers, flight dispatchers, and maintenance engineers, licensing of airports, and other aviation standards. The ultimate goal of these aviation authorities is aviation safety through regulation and oversight. All pilots must meet the standards of their respective countries where they fly. The regulations at 32 CFR 861.*(d) prohibit DOD personnel on official business, except for the first leg into and the last leg out of the U.S., from using foreign air carriers from countries in which the Civil Aviation Authority is not in compliance with International Civil Aviation Organization standards as determined by the International Civil Aviation Organization, or Federal Aviation Administration, or other aviation safety oversight body. This rule would extend that policy to any DOD contract for charter air transportation services with an air carrier.

Major provisions include:

(1) Amend § 861.3, ''Definitions.'' The term ''Operational support services'' in paragraph (l) is proposed to be replaced with ''Other commercial air services'' in order to be consistent with the statutory definition used by the Federal Aviation Administration in title 49, U.S. Code, section 40102(a)(41)(E). The substance of the definition is otherwise unchanged. This change in terminology will be made throughout part 861.

(2) Amend § 861.3, ''Definitions.'' The term ''paratroop drops'' is proposed to be deleted from the list of examples in the definition of ''Air transportation'' in paragraph (b), and inserted in the list of examples of ''Other commercial air services'' in paragraph (l). In addition, the terms ''target towing'', ''chaff dispensing'', and ''electronic countermeasures target flights'' have been deleted from the list of examples. Both changes are intended to more closely align with the statutory definitions of ''air transportation'' and ''other commercial air services'' used by the Federal Aviation Administration in title 49, U.S. Code, sections 40102(a)(5) and 40102(a)(41)(E), respectively.

(3) Amend § 861.4(e)(3)(vi), ''Aircrew scheduling.'' Paragraph (e)(3)(vi) currently requires the Captain and first officer flying Department of Defense charter passenger missions have at least 250 hours of combined experience in the type of aircraft being operated. However, an exception to this requirement is provided for aircraft new to the air carrier. This rule proposes to delete this exception in order to ensure aircrew flying Department of Defense charter missions have adequate experience in the type of aircraft being flown.

(4) Amend § 861.4(e)(3)(ix), ''DOD charter procedures.'' Paragraph (e)(3)(ix) requires an air carrier have procedures reflecting that weights and balance information are used in computing aircraft weight and balance. A sentence is proposed to be added requiring that personnel loading an aircraft be adequately trained on aircraft loading and restraint, special cargo, weight and balance, and hazardous/dangerous goods procedures. This revision would align the qualifications required for personnel loading an aircraft with recent Federal Aviation Administration cargo loading regulations and guidance in 14 CFR 121.665, 14 CFR 121.1001, Advisory Circular 120.85A and Flight Standards Information Manual System 8900.1 Volume 3, with which air carriers are already in compliance.

(5) Amend § 861.4(e)(4)(iii), ''Quality assurance.'' Paragraph (e)(4)(iii) addresses the requirement that an air carrier have a quality assurance program that analyzes the performance and effectiveness of maintenance activities and inspections. This requirement is alluded to in § 861.4(e)(2). This change proposes to add language making clear that the Department of Defense will expect the air carrier to audit results of the program to determine the root cause of discrepancies.

(6) Amend § 861.4(e)(4)(vi), ''Maintenance control,'' is proposed to be revised to require that air carriers have programs in place to adequately plan for all maintenance requirements. While planning for maintenance is inherent in maintenance control and is implied in the words ''method to control maintenance activities'', this revision clarifies that formal programs are necessary and mirrors Federal Aviation Administration requirements.

(7) Amend § 861.5, ''DOD Commercial Airlift Review Board procedures,'' is proposed to be revised to replace ''CINCTRANS'' with ''CDRUSTRANSCOM'' wherever ''CINCTRANS'' appears. This reflects a change in the acronym used to refer to the Commander of the United States Transportation Command.

(8) Amend § 861.6(d), ''DOD review of foreign air carriers,'' is proposed to be revised to add a sentence reflecting an established, longstanding Department of Defense policy in Department of Defense Instruction 4500.53, of not contracting with foreign air carriers from countries whose Civil Aviation Authority has been determined to not meet International Civil Aviation Organization standards.

IV. Expected Impact of This Proposed Rule

Affected Population

Providers of air transportation and other commercial air services to the Department of Defense consist of approximately 100 U.S. air carriers and operators offering services under parts 105, 121, 125, 133, and 135 of the Federal Aviation Regulations (FARs) of title 14 CFR, and foreign air carriers and operators offering services under the equivalent Civil Aviation Authority regulations applicable to their operations. Both U.S. and foreign air carriers and operators range from large corporations with hundreds of aircraft, to small entities operating a handful of aircraft. Whether domestic or foreign, and regardless of size, air carriers and operators offering air transportation or other commercial air services to the Department of Defense must meet the requirements specified by law and this rule to be eligible for Department business, and must comply with the oversight requirements of the law and this rule to remain eligible for Department business. Changes proposed in this rule should not prompt air carriers or operators to either leave or join the air carrier survey and analysis program. Additionally, the proposed changes will not expand or contract carrier eligibility to participate in the

program. Furthermore, the proposed changes will not impact the overall economics for carriers in the aviation industry marketplace. This proposed rule is not expected to impact on the public or state, local, or tribal governments.

Costs

This rule has been was first promulgated in 1987 (see 52 FR 37609 (October 8, 1987)). The proposed revisions are not expected to increase costs compliance. Although several revisions alter minor aspects of the existing oversight program, they are intended to streamline oversight processes by more closely aligning them with current Federal Aviation Administration guidance. This harmonization may decrease costs for U.S. carriers although these savings may not be appreciable. Operators of paratroop drop services may realize slightly more appreciable savings as a result of being considered a provider of ''other commercial air services'' rather than of ''air transportation services,'' since the latter results in an increased level of oversight. Conversely, the failure to enact the proposed changes may result in increased costs to U.S. air carriers and operators as specific requirements and procedures of this program increasingly diverge from those required by the FAA, requiring that separate compliance processes be maintained that cover the same substantive area.

Benefits

The affected air carriers and operators will benefit from the clarifications, updated information, and alignment of processes with those of the Federal Aviation Administration resulting from this proposed revision. This, in turn, should lead to a more effective safety oversight program, benefitting them, the Department of Defense, members of the armed forces transported on the contracted aircraft, and the public at large.

Alternatives

The basic parameters of the program described in this Part are specified in section 2640 of title 10, U.S. Code, and serve to limit the scope of alternatives available.

- *No action:* This alternative would leave the existing rule in place without change. Parts of this rule are obsolete as a result of changes in terminology, responsible offices, and the evolution of technology since 2002. No action would also result in the loss of an opportunity to incorporate lessons learned since the last revision in 2002. The rule would consequently continue to become less effective over time, as the FAA adopts updated, more stringent standards and practices that are not reflected in the DOD standards and practices reflected in this rule. This course of action is therefore not preferred.
- Expansion of the scope of the oversight program. Expansion of the scope of the oversight program would go beyond that which is necessary to ensure the safe transportation of members of the armed forces as well as beyond the scope of what the law requires. This course of action is therefore not preferred, as it would impose increased costs on the Department of Defense and all affected parties to no discernable end.
- Contracting the scope of the oversight program. Contracting the scope of the oversight program would result in a failure to do as the law requires, although it would be less burdensome and expensive for the affected parties. Consequently, this course of action is not preferred.

Regulatory Reviews

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

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated as a ''significant regulatory action'' but not economically significant under section 3(f) of Executive Order 12866.

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.* generally provides 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. The DAF 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.

National Environmental Policy Act

The DAF has determined the proposed amendments of the Department of Defense Commercial Air Transportation Quality and Safety Review Program is not a major federal action within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The proposed amendments do not result in any impacts to human health or the environment.

Paperwork Reduction Act

It has been determined this regulatory action does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The DAF has certified this regulatory action is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)). The Secretary of the Air Force has certified that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 to 612, because this rule does not have a significant economic impact on small entities as defined by the Act, and does not impose any obligatory information requirements beyond internal DAF use.

Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of $100 million in 1995 dollars, updated annually for inflation. This regulatory action does not contain any unfunded mandate as described in UMRA, and does not significantly or uniquely affect small governments. This action only addresses the Department of Defense Commercial Air Transportation Quality and Safety Review Program.

Executive Order 13132: Federalism

Executive Order 13132 establishes certain requirements an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. The DAF has determined this regulatory action does not contain policies with federalism as that term is defined in E.O. 13132.

List of Subjects in 32 CFR Part 861

Administrative practice and procedure, Air carriers, Aviation safety, Military air transportation.

Accordingly, 32 CFR part 861 is proposed to be amended as follows:

PART 861—DEPARTMENT OF DEFENSE COMMERCIAL AIR TRANSPORTATION QUALITY AND SAFETY REVIEW PROGRAM

■ 1. The authority citation for part 861 is revised to read as follows:

Authority: 10 U.S.C. 113, 2640, 9013.

§ 861.1 [Amended]

■ 2. Amend § 861.1(b) by removing the word ''Directive'' and adding in its place the word ''Instruction''.

§ 861.2 [Amended]

■ 3. Amend § 861.2 by:

■ a. Removing the word ''Directive'' and adding in its place the word ''Instruction''.

■ b. Removing the words ''Commander-in-Chief (CINC)'' and adding in their place ''Commander''.

■ c. Removing the word ''USTRANSCOM'' and adding in its place the word ''CDRUSTRANSCOM''.

■ d. Removing the words ''the CINC'' and adding in their place the words ''the CDRUSTRANSCOM''.

■ 4. Amend § 861.3 by:

■ a. In paragraph (b), removing the words ''paratrooper drops''.

■ b. In paragraph (f)(3), removing the words ''Commander-in-Chief'' and adding ''Commander'' in their place and removing '', or USCINCTRANS''.

■ c. Revising paragraphs (f)(4) and (l).

The revisions read as follows:

§ 861.3 Definitions.

* * * * *

(f) * * *

(4) Secretary of Defense.

* * * * *

(l) *Other commercial air services.* Flights performed by air carriers that use fixed or rotary-winged aircraft to provide services other than air transportation services as defined in paragraph (b) of this section. Examples include, but are not limited to, paratroop drops, range instrumentation and services, and sling loads. Air carriers providing only other commercial air services do not require advance DOD approval and are not subject to the initial or periodic on-site survey requirements under this part, unless specified in paragraph (b) or directed by the CARB or higher authority. All air carriers providing other commercial air services to DOD must have a FAA or CAA certificate and are required to maintain applicable FAA or CAA standards absent deviation authority obtained pursuant to 14 CFR 119.55 or similar CAA rules.

* * * * *

■ 5. Amend § 861.4 by:

■ a. In paragraph (b)(3), adding the words ''as specified in the reference in § 861.1(b) or'' after the words ''this part may,''.

■ b. In paragraph (c)(2), removing the letters ''DOB'' and adding in their place ''A3B''.

■ c. In paragraph (e)(1)(ii), removing ''FAA part 121, 125, 127, or 135 (14 CFR 121, 125, 127, or 135)'' and adding in its place ''FAA part 121 or 135 (14 CFR part 121 or 135)''.

■ d. In paragraph (e)(1)(iii):

■ i. In Example 1, removing ''DC–10'' wherever it appears and adding in its place ''B–767''.

■ ii. In Example 2:

■ A. Removing ''MD–11'' wherever it appears and adding in its place ''B–767''; and

■ B. Removing ''B–757'' wherever it appears and adding in its place ''A–330''.

■ e. Revising the final sentence of paragraph (e)(3)(iv).

■ f. Revising paragraph (e)(3)(vi).

■ g. In paragraph (e)(3)(viii), adding a sentence at the end of the paragraph.

■ h. In paragraph (e)(3)(ix), adding a sentence at the end of the paragraph.

■ i. Revising paragraph (e)(4).

The revisions and additions read as follows:

§ 861.4 DOD air transportation quality and safety requirements.

* * * * *

(e) * * *

(3) * * *

(iv) * * * Training received is documented, and established processes ensure that documentation is maintained in a current status.

* * * * *

(vi) *Aircrew scheduling.* A closely monitored system that evaluates operational risks, experience levels of crewmembers, and ensures the proper pairing and qualification of aircrews on all flights is required. New captains are scheduled with highly experienced first officers, and new or low-time first officers are scheduled with experienced captains. Captains and first officers assigned to DOD charter passenger missions possess at least 250 hours combined experience in the type aircraft being operated. The scheduling system involves an established flight duty time program for aircrews, including flight attendants, carefully managed so as to ensure proper crew rest and considers quality-of-life factors. Attention is given to the stress on aircrews during strikes, mergers, or periods of labor-management difficulties.

* * * * *

(viii) * * * Personnel assigned these duties are properly trained and certificated if required.

(ix) * * * Personnel responsible for the loading of aircraft receive appropriate initial and recurrent training on aircraft loading and restraint, special cargo, weight and balance, and hazardous/dangerous goods procedures.

* * * * *

(4) *Quality and safety requirements—maintenance*—(i) *Management.* Maintenance supervisors ensure all personnel understand that in spite of scheduling pressure, peer pressure, supervisory pressure, or other factors, the airplane must be airworthy prior to flight. Passenger and employee safety is a paramount management concern. Quality, completeness, and integrity of work are trademarks of the maintenance manager and maintenance department. Nonconformance to established maintenance practices is not tolerated. Management ensures contracted maintenance, including repair and overhaul facilities, is performed by maintenance organizations acceptable to the CAA.

(ii) *Maintenance personnel.* Air carriers are expected to hire and train the number of employees required to safely maintain the company aircraft and support the scope of the maintenance operations both at home station (the company's primary facility) and at en route locations. These personnel ensure that all maintenance tasks, including required inspections and airworthiness directives, are performed; that maintenance actions are properly documented, and that the discrepancies identified between inspections are corrected. Mechanics are fit for duty, properly certificated, the company verifies certification, and these personnel possess the knowledge and the necessary aircraft-specific experience to accomplish the maintenance tasks. Noncertified and inexperienced personnel received proper supervision. Freedom from alcohol abuse and illegal drugs is required.

(iii) *Quality assurance.* A system which continuously analyzes the performance and effectiveness of maintenance activities and maintenance inspection programs is required. This system evaluates such functions as reliability reports, audits, component tear-down reports, inspection procedures and results, tool calibration

program, real-time aircraft maintenance actions, warranty programs, and other maintenance functions. The extent of this program is directly related to the air carrier's size and scope of operation. Audit results are analyzed in order to determine the root cause of discrepancies. The cause of any recurring discrepancy or negative trend is researched and eliminated. Action is taken to prevent recurrence of these discrepancies and preventive actions are monitored to ensure effectiveness. The results of preventive actions are provided to appropriate maintenance technicians. Also required is a system to evaluate contract vendors, suppliers, and their products.

(iv) *Maintenance inspection activity.* A process to ensure required aircraft inspections are completed and the results properly documented is required. Inspection personnel are identified, trained (initial and recurrent), and provided guidance regarding inspector responsibility and authority. The inspection activity is normally a separate entity within the maintenance department.

(v) *Maintenance training.* Training is conducted commensurate with the size and type of maintenance functions being performed. Continuing education and progressive experience are provided for all maintenance personnel. Orientation, familiarization, on-the-job, and appropriate recurrent training for all full and part-time personnel are expected. The use of such training aids as mockups, simulators, and computer-based training enhances maintenance training efforts and is desired. Training documentation is required; it is current, complete, well maintained, and correctly identifies any special authorization such as inspection and airworthiness release. Trainers are fully qualified in the subject manner.

(vi) *Maintenance control/planning.* A method to control maintenance activities, track program requirements, and track aircraft status is required. Qualified personnel monitor maintenance preplanning, ensure completion of maintenance actions, and track deferred discrepancies. Deferred maintenance actions are identified to supervisory personnel and corrected in accordance with the criteria provided by the manufacturer or regulatory agency. Constant and effective communications between maintenance and flight operations ensure an exchange of critical information. In addition, programs are in place that adequately plan for all maintenance requirements.

(vii) *Aircraft maintenance program.* Aircraft are properly certified and maintained in a manner that ensures they are airworthy and safe. The program includes the use of manufacturer's and CAA information, as well as company policies and procedures. Airworthiness directives are complied with in the prescribed time frame, and service bulletins are evaluated for applicable action. Approved reliability programs are proactive, providing management with visibly on the effectiveness of the maintenance program; attention is given to initial component and older aircraft inspection intervals and to deferred maintenance actions.

(viii) *Maintenance records.* Maintenance actions are well documented and provide a complete record of maintenance accomplished and maintenance required. Such records as aircraft log books and maintenance documentation are legible, dated, clean, readily identifiable, and maintained in an orderly fashion. Inspection compliance, airworthiness release, and maintenance release records, etc., are completed and signed by approved personnel.

(ix) *Aircraft appearance.* Aircraft exteriors, including all visible surfaces and components, are clean and well maintained. Interiors are also clean and orderly. Required safety equipment and systems are available and operable.

(x) *Fueling and servicing.* Aircraft fuel is free from contamination, and company fuel facilities (farms) are inspected and results documented. Procedures and instructions pertaining to servicing, handling, and storing fuel and oil meet established safety standards. Procedures for monitoring and verifying vendor servicing practices are included in this program.

(xi) *Maintenance manuals.* Company policy manuals and manufacturer's maintenance manuals are current, available, clear, complete, and adhered to by maintenance personnel. These manuals provide maintenance personnel with standardized procedures for maintaining company aircraft. Management policies, lines of authority, and company maintenance procedures are documented in company manuals and kept in a current status.

(xii) *Maintenance facilities/stores.* Well maintained, clean maintenance facilities, adequate for the level of aircraft repair authorized in the company's CAA certificate are expected. Safety equipment is available in hangars, shops, etc., and is serviceable. Special tools and equipment are properly calibrated and managed. Shipping, receiving, and stores areas are likewise clean and orderly. Parts are correctly packaged, tagged, segregated, and shelf life properly monitored.

* * * * *

§ 861.5 [Amended]

■ 6. Amend § 861.5 by:

■ b. In paragraph (b), adding the words ''as specified in the reference in § 861.1(b) or'' after the words ''services to DOD which,''.

■ b. In paragraphs (f)(1) and (3) and (g)(4)(i), removing the word ''USCINCTRANS'' and adding in its place the words ''the CDRUSTRANSCOM''.

■ c. In paragraph (g)(5), removing ''USCINCTRANS'' and ''(Acquisition, Technology and Logistics) (USD(AT&L))'' and adding ''the CDRUSTRANSCOM'' and ''(Acquisition and Sustainment) (USD(A&S))'' in their places, respectively.

■ 7. Amend § 861.6 by revising paragraph (d) to read as follows:

§ 861.6 DOD review of foreign air carriers.

* * * * *

(d) *Foreign air carriers from countries in which the CAA is not in compliance with ICAO standards.* DOD will not contract for charter air transportation services with an air carrier from a country in which the CAA is not in compliance with ICAO standards. Unless otherwise authorized, use of foreign air carriers by DOD personnel on official business from countries in which the CAA is not in compliance with ICAO standards is prohibited except for the last leg into and the first leg out of the U.S. on such carriers. This includes foreign air carriers performing any portion of a route awarded to a U.S. air carrier under the GSA City Pair Program pursuant to a code-sharing agreement with that U.S. air carrier.

* * * * *

§ § 861.2, 861.3, 861.4, 861.5, and 861.6 [Amended]

■ 8. In addition to the amendments set forth above, in 32 CFR part 861, remove the words ''operational support'' and add in their place the words ''other commercial air'' in the following places:

■ a. Section 861.2 (2 places);

■ b. Section 861.3(a), (e) and (l)–(2 places);

■ c. Section 861.4(a)–(2 places), (b)(3), (c)(3), and (d);

■ d. Section 861.5(b), (e), (g)(2)(v) and (g)(5); and

■ e. Section 861.6(f).

§ § 861.3, 861.4, and 861.5 [Amended]

■ 9. In addition to the amendments set forth above, in 32 CFR part 861, remove the words ''Air Carrier Survey and Analysis Office'' and add in their place

the words ''Commercial Airlift Division'' in the following places:
■ a. Section 861.3(e), (f)(1), and (k);
■ b. Section 861.4(c)(2); and (e)
■ c. Section 861.5(e), (g)(2)(i), (g)(2)(iii)(A), and (g)(4)(i).
■ d. Section 861.6(c)

Adriane S. Paris,

Department of the Air Force Federal Register Liaison Officer.

[FR Doc. 2022–05715 Filed 3–24–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2020–0216]

RIN 1625–AA01

Anchorage Grounds; Cape Fear River Approach, North Carolina

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

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend the anchorage regulations for Lockwoods Folly Inlet, NC, and adjacent navigable waters, by establishing a new offshore anchorage, relocating the existing explosives anchorage and amending the anchorage regulations. The purpose of this supplemental proposed rule is to improve navigation and public safety by accommodating recent and anticipated future growth in cargo vessel traffic and vessel size that call on Military Ocean Terminal Sunny Point and the Port of Wilmington, North Carolina. We invite your comments on this supplemental proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 25, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0216 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Gregory Kennerley, Sector North Carolina, U.S. Coast Guard; telephone (910) 772–2230, email *Gregory.M.Kennerley@uscg.mil;* or Mr. Matthew Creelman, Waterways Management Branch, Fifth Coast Guard District, U.S. Coast Guard; telephone (757) 398–6225, email *Matthew.K.Creelman2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BOEM Bureau of Ocean Energy Management
CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
SNPRM Supplemental notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On May 8, 2020, the Coast Guard published a notification of inquiry in the **Federal Register** (85 FR 27343) to solicit public comments on whether we should initiate a rulemaking to establish an anchorage ground offshore in the approaches to the Cape Fear River, North Carolina, and to increase the size and relocate the existing Lockwood's Folly Inlet explosives anchorage. After receiving favorable comments, the Coast Guard decided to propose the rulemaking. On August 17, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) in **Federal Register** (86 FR 45936), stating why we issued the NPRM, and invited comments on our proposed anchorage. During the comment period that ended on October 18, 2021, we received five comment letters in response. The Coast Guard is now issuing this supplemental notice of proposed rulemaking (SNPRM) to solicit comments on changes made to the NPRM.

The purpose of this proposed rule is to accommodate recent and anticipated future growth in cargo vessel traffic and vessel size that call on Military Ocean Terminal Sunny Point and the Port of Wilmington, improve navigation and public safety, and to preserve areas traditionally used for anchoring.

The legal basis and authorities for this notice of proposed rulemaking are found in 46 U.S.C.70006, 33 CFR 1.05–1, DHS Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory anchorage grounds.

III. Discussion Comments, Changes, and Proposed Rule

As noted above, we received five comments on our NPRM published August 17, 2021. One was in full support of the proposed rule, one had concerns over possible area use conflicts with offshore wind energy development, and three were regarding potential conflict with the anchorage and an artificial reef. The following sections detail the concerns raised by these comments. As a result, the Coast Guard has issued this SNPRM with proposed changes to the regulatory text of the rule. Specifically, we propose the western boundary and coordinates of the proposed Explosives Anchorage B be moved 1000 yards eastward to avoid a conflict with a North Carolina Division of Marine Fisheries Artificial Reef (AR–455). The remainder of the proposed rule remains unchanged.

A. Offshore Wind Development

One commenter raised concerns that the proposed anchorage would take up an area that could be utilized for offshore wind energy development, and by doing so, would deprive the local economy of investment and energy resulting from the development. The Coast Guard finds this comment to be not applicable to this particular rulemaking as the proposed anchorage area does not overlap or limit any known wind energy lease area as published by the Bureau of Ocean Energy Management (BOEM), the lead agency in the U.S. offshore wind development. The Coast Guard works closely with BOEM in the planning of these offshore lease areas and has confirmed the area proposed for this rule is not under consideration for wind development.

B. Artificial Reef

There were three comments received by the Coast Guard with concerns that the westernmost boundary of the proposed Explosives Anchorage B overlapped the location of an artificial reef, North Carolina Division of Marine Fisheries' Reef (AR–455). This overlap reveals potential hazards as anchoring vessels could damage the reef or possibly foul their anchors on the underwater structures. The Coast Guard agreed with these concerns and reached out to the North Carolina Division of Marine Fisheries to discuss a new agreeable boundary for the anchorage that would not conflict with AR–455. After reviewing the location of each of the underwater features within AR–455, the Coast Guard proposes to move the western boundary of Anchorage B 1000 yards to the east of AR–455. This distance would prevent any vessel anchored within Anchorage B from damaging the reef or interfering with other vessels visiting the reef. This would reduce the overall size of anchorage area initially proposed, but the Coast Guard believes there is still

sufficient area within the anchorage to meet anchorage needs.

C. Proposed Rule

The intent of this proposed rule remains unchanged. This proposed rule would formally establish an anchorage ground, Anchorage A, approximately eight nautical miles southwest of the Oak Island Light. This proposed rule would also increase the size and relocate Lockwoods Folly Inlet explosives anchorage to adjacent Anchorage A on its western boundary; and rename it Anchorage B. The specific coordinates for these proposed anchorage grounds are included in the proposed regulatory text at the end of this document.

You may find an illustration of the anchorages in the docket where indicated under **ADDRESSES**. Additionally, the anchorage ground is available for viewing on the Mid-Atlantic Ocean Data Portal at *https://portal.midatlanticocean.org/visualize/.* See ''USCG Proposed Areas and Studies'' under the ''Maritime'' portion of the Data Layers section.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and historical vessel traffic data pertaining to the anchorage locations. The regulation would designate and preserve an approximately 22 square mile deep water area traditionally used by cargo ships for anchoring near existing traffic lanes. It would also relocate the existing explosives anchorage approximately five nautical miles further offshore increasing separation distances between vessels laden with explosives and the public, and expand its size from approximately five to seven square miles. This regulatory action provides commercial vessel anchorage needs while enhancing the navigation safety, environmental stewardship, and public safety.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to use the anchorages may be small entities, for the reasons stated in section IV. A above, this proposed rule would not have a significant economic impact on any vessel owner or operator. The towns and communities along the Cape Fear River approaches have an economy based on tourism and numerous small entities and businesses. The establishment of Anchorage A and Anchorage B will increase controls over vessels that currently anchor in the general vicinity and increase the distance between anchored vessels and the shore and beaches, lessening impacts these small entities may currently experience.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing an anchorage ground, Anchorage A, in an area traditionally used by cargo ships for anchoring in the approaches to the Cape

Fear River, NC; and increasing the size of and relocating the Lockwoods Folly Inlet explosives anchorage to an area adjacent to Anchorage A (on its western boundary), expanding its use, and renaming it Anchorage B. Normally such actions are categorically excluded from further review under paragraph L[59] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2020–0216 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

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

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071, 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.170 to read as follows:

§ 110.170 Cape Fear, N.C.

(a) *The anchorage grounds.* All coordinates in this section are based on the World Geodetic System (WGS 84).

(1) *Anchorage A.* The waters bound by a line connecting the following points:

TABLE 1 TO PARAGRAPH (a)(1)

Latitude	Longitude
33°47′59.09″ N	78°14′58.67″ W
33°47′59.09″ N	78°06′24.74″ W
33°46′01.22″ N	78°06′24.74″ W
33°46′01.22″ N	78°14′58.67″ W

(2) *Anchorage B.* Explosives anchorage. The waters bound by a line connecting the following points:

TABLE 2 TO PARAGRAPH (a)(2)

Latitude	Longitude
33°47′59.09″ N	78°17′14.00″ W
33°47′59.09″ N	78°14′58.67″ W
33°46′01.22″ N	78°14′58.67″ W
33°46′01.22″ N	78°17′14.00″ W

(b) *Definitions.* As used in this section—

Cargoes of particular hazard means ''cargo of particular hazard'' as defined in § 126.3 of this title.

Class 1 (explosive) materials means Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50.

Dangerous cargo means ''certain dangerous cargo'' as defined in § 160.204 of this title.

U.S. naval vessel means any vessel owner, operated, chartered, or leased by the U.S. Navy; and any vessel under the operational control of the U.S. Navy or Combatant Command.

(c) *General regulations.* (1) Vessels in the Atlantic Ocean near Cape Fear River Inlet awaiting berthing space within the Port of Wilmington shall only anchor within the anchorage grounds defined and established in this section, except in cases of emergency.

(2) Vessels anchoring under circumstances of emergency outside the anchorage areas shall be shifted to new positions within the anchorage grounds immediately after the emergency ceases.

(3) Vessels may anchor anywhere within the anchorage grounds provided such anchoring does not interfere with the operations of any other vessel at anchorage; except a vessel may not anchor within 1,500 yards of a vessel carrying or handling dangerous cargoes, cargoes of a particular hazard, or Class 1 (explosive) materials. Vessels shall lie at anchor with as short of a chain or cable as conditions permit.

(4) Prior to entering the anchorage grounds, all vessels must notify the Coast Guard Captain of the Port Sector North Carolina (COTP) via VHF–FM channel 16.

(5) No vessel may anchor within the anchorage grounds for more than 72 hours without the prior approval of the COTP. To obtain this approval, contact the COTP via VHF–FM channel 16.

(6) The COTP may close the anchorage grounds and direct vessels to depart the anchorage during periods of severe weather or at other times as deemed necessary in the interest of port safety or security.

(7) The COTP may prescribe specific conditions for vessels anchoring within the anchorage grounds, including but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communications guards on selected radio frequencies.

(d) *Regulations for vessels handling or carrying dangerous cargoes, cargoes of a particular hazard, or Class 1 (explosive) materials.* This paragraph (d) applies to every vessel, except U.S. naval vessels, handling or carrying dangerous cargoes, cargoes of a particular hazard, or Class 1 (explosive) materials.

(1) Unless otherwise directed by the Captain of the Port, each commercial

vessel handling or carrying dangerous cargoes, cargoes of a particular hazard, or Class 1 (explosive) materials must be anchored within Anchorage B.

(2) Vessels requiring the use of Anchorage B must display by day a red flag (Bravo flag) in a prominent location and by night a fixed red light. In lieu of a fixed red light, by night a red flag may be illuminated by spotlight.

Dated: March 10, 2022.

Laura M. Dickey,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2022–06339 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AR01

VA Pilot Program on Graduate Medical Education and Residency; Extension of Comment Period

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Department of Veterans Affairs (VA) is extending the comment period of the proposed rule ''Pilot Program on Graduate Medical Education and Residency.'' This action is being taken in response to requests from stakeholders to allow additional time for interested persons to submit comments on the proposed rule.

DATES: VA is extending the comment period on the proposed rule published on February 4, 2022 by 90 days. 87 FR 6456. Ninety days from April 5, 2022 is July 4, 2022, which is a federal holiday; therefore, the VA is extending the comment period to the following day, July 5, 2022. Comments must now be received on or before July 5, 2022.

ADDRESSES: Comments must be submitted through *www.Regulations.gov.* Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Andrea Bennett, Office of Academic Affiliations, Department of Veterans Affairs, at (202) 368–0324 or *VAMission403Help@va.gov.*

SUPPLEMENTARY INFORMATION: On February 4, 2022, VA issued a proposed rule to revise its medical regulations to establish a new pilot program related to graduate medical education and residency, as required by section 403 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Network Act of 2018 (Pub. L. 115–182, hereinafter referred to as the MISSION Act). *See* 87 FR 6456.

Consistent with section 403 of the MISSION Act, the proposed rule established parameters by which VA would determine those covered facilities in which residents would be placed under the pilot program, such as certain consideration factors to determine whether there is a clinical need for providers in areas where residents would be placed. VA further proposed to prioritize placement of residents under the pilot program in Indian Health Service facilities, Indian tribal or tribal organization facilities, certain underserved VA facilities, or other covered facilities, as required by section 403 of the MISSION Act. In addition, VA proposed parameters to pay resident stipends and benefits and certain startup costs of new residency programs if residents are placed in such programs under the pilot program.

The proposed rule provided an opportunity to submit comments by April 5, 2022. In response to requests from stakeholders to extend the comment period, VA extends the comment period by 90 days to allow additional time for interested persons to submit comments on the proposed rule. Comments must now be received on or before July 5, 2022.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on March 21, 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.

[FR Doc. 2022–06293 Filed 3–24–22; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2022–0285; FRL–9645–01–R7]

Air Plan Approval; Missouri; Restriction of Emissions Credit for Reduced Pollutant Concentrations From the Use of Dispersion Techniques

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Missouri on January 30, 2020. Missouri requests that the EPA approve revisions to a State regulation that limits the use of dispersion techniques to meet ambient air quality standards in the vicinity of major sources of air pollution. The use of certain dispersion techniques is prohibited by section 123 of the Clean Air Act (CAA). The revisions to the rule are a revised restructured version of the same rule. These revisions are administrative in nature and do not impact the stringency of the SIP or air quality. The EPA's proposed approval of this rule revision is in accordance with the requirements of the CAA.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2022–0285 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will 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 ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7718; email address: *brown.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Written Comments
II. What is being addressed in this document?
III. Have the requirements for approval of a SIP revision been met?
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2022–0285, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve a SIP revision submitted by the State of Missouri on January 30, 2020. Missouri requests the EPA to approve revisions to their SIP by replacing the existing rule, Title 10, Division 10 of the Code of State Regulations (CSR), (10 CSR 10–6.140) ''Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques'', with a revised restructured version of the same rule. The State has revised this rule in order to incorporate the provisions of 40 CFR part 51, appendix W-Guideline on Air Quality Models, add definitions specific to this rule, organize the rule into standard rule organizational format, and removes unnecessary words. After review and analysis of the revisions, the EPA concludes that these changes do not have adverse effects on air quality. The full text of these changes can be found in the State's submission, which is included in the docket for this action. The EPA's analysis of the revisions can be found in the technical support document (TSD), also included in the docket.

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 3, 2019, to August 1, 2019, and received no comments. In addition, as explained above and in more detail in the State submittal document and EPA's TSD, which is in the docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to amend the Missouri SIP by approving the State's request to revise 10 CSR 10–6.140 ''Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques.'' Approval of these revisions will ensure consistency between State and federally approved rules. Because this rule was previously approved into Missouri's SIP, we are soliciting comments solely on the proposed revisions to the rule and not on the existing text that is approved into Missouri's SIP. The EPA has determined that these changes meet the requirements of the Clean Air Act and will not have a negative impact to air quality. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulations described in Section II of this preamble as set forth in the proposed amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal

governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: March 16, 2022.

Meghan A. McCollister,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.140'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
*	*	*	*	*
10–6.140	Restriction of Emissions Credit for Reduced Pollutant Concentrations from the Use of Dispersion Techniques.	1/30/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2022–06041 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2022–0113; FRL–9656–01–R1]

Air Plan Approval; Connecticut; State Implementation Plan Revisions Required by the 2008 and 2015 Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of State Implementation Plan (SIP) revisions submitted by the State of Connecticut for purposes of implementing the 2008 and 2015 ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions consist of a demonstration that Connecticut meets the requirements of reasonably available control technology (RACT) for the two precursors for ground-level ozone, oxides of nitrogen (NO_X) and volatile organic compounds (VOCs), set forth by the Clean Air Act (CAA, or the Act) with respect to the 2008 and 2015 ozone standards. We are also proposing approval of a Consent Order that establishes NO_X RACT requirements for facilities operated by NRG Connecticut. Additionally, we are proposing approval of Connecticut's certification that it meets the nonattainment new source review (NNSR) requirements of the CAA for purposes of the 2008 and 2015 ozone standards. This action is being taken in accordance with the CAA.

DATES: Written comments must be received on or before April 25, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2022–0113 at *https://www.regulations.gov,* or via email to *mcconnell.robert@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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.* Publicly available docket materials are available at *https://www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that, if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID–19.

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Air Quality Branch, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code 05–2), Boston, MA 02109–3912, telephone number (617) 918–1046, email *mcconnell.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. The following outline is provided to aid in locating information in this preamble.

I. Background
II. Summary and Evaluation of Connecticut's SIP Revisions
a. RACT Certifications and Consent Order No. 8377
b. NNSR Certifications
III. Proposed Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Background

On December 21, 2020, the Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted revisions to its SIP to EPA. The SIP revisions consist of information documenting how Connecticut complied with the RACT [1] requirements for the 2015 ozone standard, and a certification that it also meets the RACT requirements for areas classified as serious for the 2008 ozone standard. Connecticut's submittal includes an order issued by the State that establishes NO_X RACT requirements for facilities owned by NRG Connecticut. The State also included within the December 21, 2020, submittal a certification that its SIP meets the requirements for NNSR permitting for purposes of the 2008 and 2015 ozone NAAQS.

Sections 172(c)(1) and 182(b)(2) of the CAA require states to implement RACT in areas classified as moderate (and higher) non-attainment for ozone, while section 184(b)(1)(B) of the Act requires RACT in states located in the Ozone Transport Region (OTR). Specifically, these areas are required to implement RACT for all major VOC and NO_X emissions sources and for all sources covered by a Control Techniques Guideline (CTG). A CTG is a document issued by EPA which establishes a ''presumptive norm'' for RACT for a specific VOC source category. A related set of documents, Alternative Control Techniques (ACT) documents, exists primarily for NO_X control requirements. States must submit rules, or negative declarations when no such sources exist, for CTG source categories. The ACT documents were issued to help States determine RACT for major sources of NO_X, but States do not have to submit negative declarations for ACTs if they have no sources covered by them. However, states must ensure that a RACT level of control is imposed on major sources of NO_X, some of which may be within a sector covered by an ACT document.

In 2008, EPA revised the health-based NAAQS for ozone, setting it at 0.075 parts per million (ppm) averaged over an 8-hour time frame. EPA determined that the revised 8-hour standard would be more protective of human health, especially for children and adults who are active outdoors and individuals with a pre-existing respiratory disease such as asthma. On May 21, 2012, EPA published a final rule establishing designations and classifications for the 2008 ozone standard for most areas of the country, including Connecticut (See 77 FR 30088, May 21, 2012). This final rule created two marginal nonattainment areas within Connecticut that together encompass the entire State. The two areas are identified as follows: The Greater Connecticut area, which includes Hartford, Litchfield, New London, Tolland, and Windham counties, and the New York, Northern New Jersey-Long Island NY-NJ-CT area, which includes, within Connecticut, Fairfield, Middlesex, and New Haven counties.

Neither of Connecticut's 2008 NAAQS nonattainment areas were able to meet the marginal area attainment date, and so on May 4, 2016, EPA published a final rule that revised the classifications of Connecticut's and other state's nonattainment areas from marginal to moderate (See 81 FR 26697, May 4, 2016). Subsequently, Connecticut's two moderate nonattainment areas also failed to meet the moderate area attainment date, and so on August 23, 2019, EPA published a final rule that revised the classifications of Connecticut's, and other state's nonattainment areas, from moderate to serious (See 84 FR 44238, August 23, 2019).

On March 6, 2015, EPA published a final rule in the **Federal Register** that outlined the obligations that areas found to be in nonattainment of the 2008 ozone standard needed to address (See 80 FR 12264, March 6, 2015). This rule, herein referred to as the ''2008 ozone implementation rule,'' contained, among other things, a description of EPA's expectations for states with RACT and NNSR obligations. Regarding RACT, the 2008 ozone implementation rule indicated that states could demonstrate that controls representing RACT were in place through the establishment of new or more stringent requirements that meet RACT control levels, through a certification that previously adopted RACT controls in their SIP approved by EPA under a prior ozone NAAQS represent adequate RACT control levels for attainment of the 2008 ozone NAAQS, or with a combination of these two approaches. In addition, a state must submit a negative declaration in instances where there are no CTG sources within its borders.

Regarding the 2015 ozone NAAQS, on June 4, 2018, EPA published a final rule establishing designations and classifications for this standard for most areas of the country, including Connecticut (See 83 FR 25776, June 4, 2018). This final rule created a marginal and a moderate nonattainment area within Connecticut that together encompass the entire State, identified as follows: The Greater Connecticut marginal area, which includes Hartford, Litchfield, New London, Tolland, and Windham counties, and the New York, N New Jersey-Long Island NY-NJ-CT moderate area, which includes, within Connecticut, Fairfield, Middlesex, and New Haven counties. Additionally, on December 6, 2018, EPA published a final rule outlining requirements for states to follow as they implement the 2015 ozone NAAQS (See 83 FR 62998, December 6, 2018). The December 6, 2018, final rule is herein referred to as the 2015 ozone implementation rule. It contains RACT and NNSR requirements similar to those outlined within the 2008 ozone implementation rule, although the discretionary inter-pollutant trading program provided for within the NNSR portion of the rule was subsequently voided as noted below.

Regarding NNSR, the minimum SIP requirements for NNSR permitting programs for the 2008 and the 2015 ozone NAAQS are located in 40 CFR 51.165. These NNSR program requirements include those promulgated in the ''Phase 2 Rule'' implementing the 1997 8-hour ozone NAAQS (See 70 FR 71612, November 29, 2005) and the 2008 ozone implementation rule. Additionally, although the 2015 ozone implementation rule included a provision to explicitly allow for inter-pollutant trading for meeting the emissions offset requirement for ozone, this provision was subsequently vacated.[2] Under the Phase 2 Rule, the

[1] RACT is defined as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' (44 FR 53762, September 17, 1979).

[2] *Sierra Club* v. *EPA,* 985 F.3d 1055 (D.C. Cir. 2021).

SIP for each ozone nonattainment area must contain NNSR provisions that: Set major source thresholds for NO_X and VOC pursuant to 40 CFR 51.165(a)(1)(iv)(A)(*1*)(*i*) through (*iv*) and (a)(1)(iv)(A)(*2*); classify physical changes at a major source if the change would constitute a major source by itself pursuant to 40 CFR 51.165(a)(1)(iv)(A)(3); consider any significant net emissions increase of NO_X as a significant net emissions increase for ozone pursuant to 40 CFR 51.165(a)(1)(v)(E); consider increases of VOC emissions in extreme ozone nonattainment areas as significant net emissions increases and major modifications for ozone pursuant to 40 CFR 51.165(a)(1)(v)(F); set significant emissions rates for VOC and NO_X as ozone precursors pursuant to 40 CFR 51.165(a)(1)(x)(A) through (C) and (E); contain provisions for emissions reductions credits pursuant to 40 CFR 51.165(a)(3)(ii)(C)(*1*) and (*2*); provide that the requirements applicable to VOC also apply to NO_X pursuant to 40 CFR 51.165(a)(8); and set offset ratios for VOC and NO_X pursuant to 40 CFR 51.165(a)(9)(i) through (iii) (renumbered as (a)(9)(ii) through (iv) under the 2008 ozone implementation rule). Additionally, pursuant to the 2008 ozone implementation rule, areas designated as nonattainment for that standard that also remain nonattainment for the 1997 ozone standard must satisfy the anti-backsliding requirements of 40 CFR 51.1105.

II. Summary and Evaluation of Connecticut's SIP Revisions

a. RACT Certifications and Consent Order No. 8377

On December 21, 2020, Connecticut submitted a demonstration that its regulatory framework for stationary sources meets the criteria for RACT as defined in EPA's 2015 ozone implementation rule. The submittal also contained a certification that the State's RACT requirements for the 2008 ozone NAAQS that EPA approved on July 31, 2017 when the State was classified as moderate continue to meet the RACT standard for areas classified as serious, as Connecticut became pursuant to EPA's August 23, 2019, final rule mentioned above (See 82 FR 35454, July 31, 2017). Connecticut's RACT submittal notes that its prior designation as a nonattainment area for the 1979, 1997, and 2008 ozone standards resulted in the adoption of stringent controls for major sources of VOC and NO_X, including RACT level controls. Connecticut's major source applicability threshold for both VOC and NO_X have been maintained at 50 tons per year except for the portion of the state designated as severe for the one-hour ozone standard (portions of Fairfield and Litchfield counties (See 56 FR 56694, November 6, 1991) where the threshold is 25 tons per year). In accordance with the 2008 and 2015 ozone implementation rules, much of Connecticut's submittal consists of a review of RACT controls adopted under previous ozone standards and an indication of whether those previously adopted controls still represent RACT for the 2008 and 2015 ozone NAAQS. Additionally, Connecticut notes that as a member state of the OTR, it works with the Ozone Transport Commission to identify and adopt, as deemed appropriate, regulations on additional VOC and NO_X categories beyond those for which EPA has issued CTGs or ACT documents.

Regarding VOC RACT, the State's December 21, 2020, submittal identifies the specific control measures that had been previously adopted to control emissions from major sources of VOC emissions and reaffirms negative declarations for some CTG categories. Table 3 of Connecticut's submittal contains a summary of the previously adopted measures for each of the CTG categories. The table identifies the specific state rule, where relevant, that is in place, the date of state adoption, and the date that EPA approved the rule into the Connecticut SIP. Table 3 also indicates the CTGs for which the state makes a negative declaration due to no sources existing within the State for the sector covered by that CTG. Connecticut notes that the following regulations are the principal means by which stationary sources of VOC emissions are controlled, the first being Regulations of Connecticut State Agencies (RCSA) section 22a–174–20, Control of Organic Compound Emissions, the second being RCSA section 22a–174–32, Reasonably Available Control Technology (RACT) for Volatile Organic Compounds, and the third being RCSA 22a–174–30a, Stage I Vapor Recovery. These rules are generally applicable to sources with the potential to emit 50 tons or more of VOCs per year, except that in portions of the State classified as a severe nonattainment area under the 1-hour ozone standard these rules are applicable to sources with the potential to emit 25 tons or more per year. Additionally, for some CTG categories such as surface coating sources, Connecticut's rules include lower applicability thresholds consistent with the recommended applicability level of the relevant CTGs.

As required, Connecticut's submittal addresses NO_X emissions as well as VOC emissions. In particular, the submittal's Table 4 lists all major sources of NO_X (and VOC) in the State and identifies the NO_X control regulation governing each source. Connecticut notes that all facilities in the State with the potential to emit 50 tons or more of NO_X per year (or 25 tons in the portions of Fairfield and Litchfield counties noted above) are subject to RCSA section 22a–174–22e, ''Control of Nitrogen Oxide Emissions from Fuel Burning Equipment at Major Stationary Sources of Nitrogen Oxides.'' Connecticut also subjects some non-major sources of NO_X to emission limits via requirements within RCSA 22a–174–22f, High Daily NO_X Emitting Units at Non-major Sources of NO_X. In addition, RCSA section 22a–174–38, Municipal Waste Combustors, regulates NO_X emissions from Connecticut's MWCs, which are currently the largest NO_X emitting sector in the State. Connecticut reviewed these regulations and determined that they did not need to be updated to represent RACT for the 2008 and 2015 ozone NAAQS given recent updates to both regulations that EPA approved into the Connecticut SIP. Connecticut submittal did include updates to NO_X emission limits for some major sources of NO_X, specifically, those owned and operated by the State's largest electric utility, NRG Connecticut. Those requirements are contained within Consent Order No. 8377 which the State issued to NRG Connecticut on March 10, 2020, and which Connecticut included within its December 21, 2020, SIP revision request.

Connecticut's review of its control program for major sources of VOC and NO_X thus concludes that all major sources in the State are subject to RACT meeting the requirements of the 2008 and 2015 ozone standards.

EPA has reviewed and agrees with Connecticut's determination that it has adopted VOC and NO_X control regulations for stationary sources that constitute RACT and determined that the set of regulations cited by the State within its December 21, 2020, RACT certification SIP submittals, along with the NO_X control requirements for equipment owned and operated by NRG Connecticut, constitute RACT for purposes of the 2015 ozone standard and continue to represent RACT for the 2008 ozone standard. The rationale for our determination is provided below.

Connecticut's RACT certification submittals document the State's VOC and NO_X control regulations that have been adopted to ensure that major sources are subject to RACT level

controls in the State. These requirements include the following Regulations of Connecticut State Agencies: Section 22a–174–20, Control of Organic Compound Emissions; section 22a–174–22e, Control of Nitrogen Oxide Emissions from Fuel Burning Equipment at Major Stationary Sources of Nitrogen Oxides; section 22a–174–30a, Stage I Vapor Recovery; section 22a–174–32, RACT for Organic Compound Emissions; and 22a–174–38, Municipal Waste Combustors. Two of these regulations, sections 22a–174–22e and 22a–174–38, contain recently strengthened NO_X emissions limits that EPA has approved into the Connecticut SIP (See 82 FR 35454, July 31, 2017). Connecticut's RACT certification submittal notes that it has adopted numerous single source RACT orders for major sources of VOC and NO_X that are not covered by one of EPA's CTGs or ACTs, and these orders have been submitted to EPA and incorporated into the SIP, as have individual orders providing for NO_X trading among facilities within the State as authorized by section 22a–174–22e (g) of Connecticut's regulations.

The State's submittal documents a substantial downward trend in ozone exceedance days between 1975 and 2019, much of which is attributable to the control measures put in place by Connecticut and federal control measures adopted since the early 1990s pursuant to the Clean Air Act amendments of 1990. Connecticut's submittal also documents a substantial decline of 63 percent in NO_X emissions from major stationary sources between 2002 and 2017. Furthermore, data from EPA's National Emissions Inventory (NEI) database indicates that between 2008 and 2017 VOC emissions from stationary point sources emitting 5 tons per year or more declined by 15%. In 2017, the State's major VOC sources emitted less than 1 percent of Connecticut's total anthropogenic VOC emissions, and only 6 individual facilities emitted more than 50 tons that year.

We last approved a RACT certification SIP for Connecticut on July 31, 2017 for the 2008 ozone standard (See 82 FR 35454, July 31, 2017). That action included approval of a SIP revision that consisted of a comprehensive update of the State's NO_X control requirements. Specifically, the revision included the regulatory changes that Connecticut determined were necessary after evaluating its RACT requirements for boilers, turbines, and reciprocating internal combustion engines (RICE). The submittal included two new regulations, RCSA 22a–174–22e, Control of nitrogen oxide emissions from fuel-burning equipment at major stationary sources of nitrogen oxides and 22a–174–22f, High daily NO_X emitting units at non-major sources of NO_X. Section 22a–174–22e has reduced NO_X emissions via ''Phase 1'' requirements that became effective on June 1, 2018 and will reduce emissions further when more stringent ''Phase 2'' limits take effect on June 1, 2023. Given the later compliance date, Connecticut did not rely on the Phase 2 requirements as part of its RACT certification as a moderate area for the 2008 ozone standard. Rather, the Phase 2 limits, which are among the most stringent limits adopted by any state in the Northeast, were adopted then to provide lead time for sources subject to Phase 2 limits to plan for the financial and logistical aspects of meeting these strengthened limits. Our July 31, 2017, approval contains a description of the Phase 1 and Phase 2 NO_X emission limits Connecticut adopted for boilers, turbines, and RICE units. Connecticut's submittal indicates the State explored other possible control measures that might qualify as a RACT measure or measures needed for attainment, and additionally considered measures that might qualify as a RACT measure or measures not tied to attainment but could not identify measures that would fit in either category.

In addition to the requirements mentioned above, our July 31, 2017, action also approved Connecticut's newly adopted RCSA section 22a–174–22f, High Daily NO_X Emitting Units at Non-major Sources of NO_X. This regulation requires owners of equipment at small and medium-sized ''non-major'' sources to track daily emissions during the ozone season and take steps to reduce emissions if they exceed a certain level of NO_X emissions. Connecticut was not obligated by CAA requirements to adopt a regulation for these sources to meet RACT since they are not major sources. The rule will, however, strengthen the State's overall regulatory program for sources of NO_X and help the State in its efforts to attain the ozone NAAQS.

Connecticut's December 21, 2020, submittal included Consent Order No. 8377 which the State issued to Connecticut Jet Power LLC, Devon Power LLC, Middletown Power LLC, and Montville Power LLC (collectively referred to as NRG Connecticut) on March 10, 2020. The Order establishes case-by-case NO_X RACT emission limits for five distillate-fired 20-megawatt (MW) turbines, identified as Devon 10, Middletown 10, Branford 10, Torrington Terminal 10, and Franklin Drive 10, two diesel-fired 2.75 MW engines identified as Montville 10 and Montville 11, and for three boilers identified as Middletown Unit 4, Montville Unit 5 and Montville Unit 6. Connecticut issued Order No. 8377 in accordance with RCSA Section 22a–174–22e (h). The RACT limits within the Order are for Phase 2 of Connecticut's NO_X RACT requirements, which become applicable on June 1, 2023. The seven engines and turbines are infrequently run units, running on average less than 25 hours per year based on data from 2014 through 2018. NRG Connecticut demonstrated to the Connecticut DEEP that installing and operating NO_X controls on this equipment was not technically or economically feasible. Section 22a–174–22e (h)(1)(C) requires that sources applying for a case-by-case RACT determination demonstrate a net air quality benefit will occur if the request is granted. Consent Order No. 8377 accomplishes this in two ways, first, by requiring that NRG Connecticut install new synthetic non-catalytic reduction (SNCR) NO_X controls on the three boilers under its control mentioned above. These three boilers will reduce their emissions beyond their respective NO_X emission limits during the Phase 1 control period, which runs from June 1, 2018 through May 31, 2023. Additionally, Consent Order No. 8377 requires the company to retire 250 banked Discrete Emission Reduction Credits (DERCs).

Connecticut's submittal also addresses RACT for sources of VOCs. Prior to the CAA Amendments of 1990, VOC control strategies were the primary means by which ground level ozone was reduced. Accordingly, beginning in the 1970's EPA issued Control Technique Guidelines (CTGs) for many industries that use VOCs. The CTGs provide an overview of emission sources and control options and establish presumptive levels of control. Given this, Connecticut has a long history of adopting regulations to limit VOC emissions from within the State. Table 3 of Connecticut's December 21, 2020 submittal lists the name and issue date of all of EPA's CTGs, an indication of whether or not facilities in the CTG category exist in Connecticut, the date and **Federal Register** citation for EPA's approval of regulations Connecticut adopted to meet the requirements of the CTG, and a comments column that, among other things, identifies the CTGs for which the State makes a negative declaration affirming no sources exist within the State that would be covered by the CTG. We are proposing approval of negative declarations Connecticut makes for the following CTG categories:

Automobile coatings, Large petroleum dry cleaners, Fiberglass boat manufacturing, Equipment leaks from natural gas and gasoline processing plants, the Oil and natural gas industry, Control of refinery vacuum producing systems, wastewater separators and process unit turnarounds, Control of VOC leaks from petroleum refinery equipment, and Flatwood paneling coatings. Connecticut reviewed the inventory information, interviewed field staff, and searched telephone and internet web pages, including other state government databases, to confirm that no facilities exist in the State that are covered by the above mentioned CTG categories.

We have reviewed Connecticut's RACT certification demonstration and determined that the State's regulatory requirements and the resulting reduction in VOC and NO_X emissions from major sources that they accomplish demonstrate that a RACT level of control for both pollutants are in place. Since we agree that the VOC and NO_X stationary source control regulations which Connecticut has cited as meeting RACT do conform with RACT for the 2015 and 2008 ozone standards, we propose approval of Connecticut's December 21, 2020, RACT certification SIP revision requests.

b. NNSR Certifications

Connecticut's longstanding SIP-approved NNSR program, established in RCSA sections 22a–174–1 (definitions), and 22a–174–3a (applicability and substantive requirements) applies to the construction and modification of stationary sources, including major stationary sources in nonattainment areas. In Connecticut's December 21, 2020, SIP revision, the State certifies that the version of RCSA Sections 22a–174–1 and 22a–174–3a in the current SIP meet the federal NNSR requirements for both ozone nonattainment areas within Connecticut. EPA last approved revisions to the SIP-approved version of Connecticut's NNSR rule in 2015 [3] addressing, among other things, the NNSR requirements that apply when a major source or major modification causes a significant impact in an area that is violating the $PM_{2.5}$ ambient air quality standard. In Connecticut's certification, the State provides a side-by-side comparison demonstrating the State's Rules are at least as stringent as EPA's nonattainment new source review permitting program requirements.

As discussed above, on August 23, 2019, EPA published a final rule that reclassified both nonattainment areas in Connecticut from moderate to serious nonattainment for the 2008 ozone NAAQS. For the 2015 ozone NAAQS, the Greater Connecticut nonattainment area is classified as marginal and the Connecticut portion of the New York-Northern New Jersey-Long Island area is classified as moderate (See 83 FR 25776, June 4, 2018).

Connecticut's SIP-approved NNSR regulation retains the NNSR requirements applicable to serious and severe nonattainment areas. The State's SIP-approved NNSR regulation defines the term ''Severe nonattainment area for ozone'' as including the cities and towns in portions of Fairfield and Litchfield counties that were historically part of the severe New York-N New Jersey-Long Island, NY-NJ-CT ozone nonattainment area designated for the one-hr ozone NAAQS. The term ''Serious nonattainment area for ozone'' is defined to include ''all towns within the State of Connecticut, except those towns located in the severe non-attainment area for ozone.'' This is the portion of the State that was historically part of the serious Greater Connecticut nonattainment area designated for the one-hr ozone NAAQS. The SIP's definition of ''Major stationary source'' then uses these terms to define the NO_X and VOC emission thresholds when determining if a source is major for ozone. The SIP's major stationary source threshold for NO_X and VOC in a ''Severe nonattainment area for ozone'' is 25 tons per year. The SIP's major stationary source threshold for NO_X and VOC in a ''Serious nonattainment area for ozone'' is 50 tons per year. These thresholds for NO_X and VOC are consistent with EPA regulations and with CAA major source thresholds for ozone nonattainment areas.

Connecticut's NNSR SIP also properly addresses the thresholds for NO_X and VOC, as precursors to ozone, in the definition of ''Major modification'' by establishing the threshold for either of these ozone precursors at 25 tons per year in severe non-attainment areas and 50 tons per year in serious non-attainment areas. These thresholds for a major modification are consistent with EPA regulations. Lastly, since Connecticut's NNSR SIP retains its previously approved major source thresholds, the State's SIP meets the anti-backsliding requirements.

III. Proposed Action

EPA is proposing approval of Connecticut's December 21, 2020, SIP submittals that demonstrate that the State has adopted air pollution control strategies that represent RACT needed for attainment and RACT not tied to attainment for purposes of compliance with the 2008 and 2015 ozone standards. Additionally, we are proposing approval of Consent Order No. 8377 containing NO_X RACT requirements for facilities operated by NRG Connecticut, and negative declarations for CTG categories for which Connecticut asserts no facilities exist within its borders.

We are also proposing to approve Connecticut's December 21, 2020, SIP revision request addressing the NNSR requirements for the 2008 and 2015 ozone NAAQS for both nonattainment areas in the State. The approval also includes the applicable NNSR provisions of Connecticut's regulations that satisfy the CAA's anti-backsliding requirements. We have concluded that the State's submission fulfills the 40 CFR 51.1114 revision requirement and meets the requirements of CAA section 110 and the minimum SIP requirements of 40 CFR 51.165.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

IV. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the following item that the Connecticut DEEP submitted to EPA for incorporation into the Connecticut SIP by letter dated December 21, 2020: Consent Order No. 8377 containing NO_X RACT requirements for facilities operated by NRG Connecticut. The EPA has made, and will continue to make, this document generally available through *https://www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act.

[3] See 80 FR 43960, July 24, 2015.

Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: March 18, 2022.

David Cash,

Regional Administrator, EPA Region 1.

[FR Doc. 2022–06206 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0221; FRL–9598–01–R9]

Approval and Promulgation of Implementation Plans; California; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On August 28, 2009, the Environmental Protection Agency (EPA) issued a final rule titled ''Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District.'' That publication inadvertently omitted regulatory text rescinding four previously approved rules for the Antelope Valley Air Quality Management District portion of the California State Implementation Plan (SIP). On September 20, 2016, the EPA issued a final rule titled ''Approval of California Air Plan Revisions, Department of Pesticide Regulations.'' That publication listed the wrong EPA approval dates and **Federal Register** citations for certain rules. The EPA is proposing action to correct these errors.

DATES: Comments from be received on or before April 25, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2022–0221 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3073 or by email at *gong.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, we mean the EPA. In the Rules and Regulations section of this **Federal Register**, we are correcting the inadvertent omission in our August 28, 2009 direct final rule of regulatory text removing four rules from the Antelope Valley Air Quality Management District (AQMD) portion of the California SIP. We are also correcting the EPA approval dates and **Federal Register** citations for certain rules adopted by the California Department of Pesticide Regulations that we approved in a September 20, 2016 final rule. We are taking these actions in a direct final action without prior proposal because we believe this error correction action is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in a subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: March 20, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–06291 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2022–0236; FRL–9605–01–R7]

Air Plan Approval; Missouri; Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of revisions to the Missouri State Implementation Plan (SIP) received on February 11, 2020. In the submission, Missouri requests to revise a regulation that controls emissions from reactor processes and distillation operations in the St. Louis 1997 8-hour ozone nonattainment area. The revisions to this rule include amending the rule applicability section for sources subject to the rule, removing unnecessary words, updating incorporations by reference, amending definitions specific to the rule, updating test and reference methods, and other minor edits. These revisions do not impact the stringency of the SIP or air quality. Approval of these revisions will ensure consistency between State and federally approved rules.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–R07–OAR–2022–0236 to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received will 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 ''Written Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jason Heitman, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551–7664; email address: *heitman.jason@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to the EPA.

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I. Written comments
II. What is being addressed in this document?
III. Have the requirements for approval of a SIP revision been met?
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I. Written Comments

Submit your comments, identified by Docket ID No. EPA–R07–OAR–2022–0236, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What is being addressed in this document?

The EPA is proposing to approve revisions to 10 Code of State Regulation (CSR) 10–5.550, *Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry* in the Missouri SIP. The revisions amend the rule applicability section for sources subject to this rule, remove unnecessary words, update incorporations by reference, amend definitions specific to the rule, update test and reference methods, and make other minor edits. The EPA's analysis of the revisions can be found in the technical support document (TSD) included in this docket.

Missouri received six comments from EPA and three comments from the Missouri Department of Natural Resources' Air Pollution Control Program staff during the comment period. Missouri responded to all comments as noted in the State submission included in the docket for this action. As described in the TSD for this action, Missouri amended the rule in response to some of EPA's comments. In response to an EPA comment concerning the applicability date in the draft rule, Missouri changed the applicability date to affect process units existing as of February 29, 2000. Missouri explained that the applicability date change was added to clarify that the rule was originally promulgated to meet ozone reasonably available control technology requirements, which were intended to apply to existing sources at the time of the rule's promulgation. EPA finds that Missouri has adequately addressed the comments.

Therefore, EPA is proposing to approve the revisions to this rule because it will not have a negative impact on air quality or affect the stringency of the SIP.

III. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from May 1, 2019, to August 1, 2019 and received nine comments. The State revised the rule based on the comments received. In addition, as explained above and in more detail in the TSD which is part of this docket, the revision meets the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

IV. What action is the EPA taking?

The EPA is proposing to approve Missouri's request to revise 10 CSR 10–5.550. Because this rule was previously approved into Missouri's SIP, we are soliciting comments solely on the proposed revisions to the rule and not on the existing text that is approved into Missouri's SIP. We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

V. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Missouri Regulations described in Section II of

this preamble as set forth in the proposed amendments to 40 CFR part 52 below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 16, 2022.

Meghan A. McCollister,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.550'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.550	Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry.	1/30/2020	[Date of publication of the final rule in the **Federal Register**], [**Federal Register** citation of the final rule].	
*	*	*	*	*

* * * * *

[FR Doc. 2022–06039 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0943; FRL–9372–01-Region 9]

Limited Approval, Limited Disapproval of California Air Plan Revisions; South Coast Air Quality Management District; Refinery Flares

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) from refinery flares. We are proposing action on a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0943 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For 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.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947–4129 or by email at *sherman.donnique@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the date that it was amended by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
SCAQMD	1118	Control of Emissions from Refinery Flares	07/07/2017	02/16/2018

On August 16, 2018, the submittal for SCAQMD Rule 1118 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 1118 into the SIP on August 28, 2007 (72 FR 49196). The SCAQMD adopted revisions to the SIP-approved version on July 7, 2017, and CARB submitted them to us on February 16, 2018. If we take final action to approve the July 7, 2017 version of Rule 1118, this version will replace the previously approved version of this rule in the SIP.

C. What is the purpose of the submitted rule?

Emissions of NO_X and VOCs contribute to the production of ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO_X and VOC emissions. Rule 1118 Control of Emissions from Refinery Flares is designed to monitor and record data on refinery and related flaring operations, and to control and minimize flaring and flare related emissions. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require reasonably available control technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of NO_X and VOCs in ozone nonattainment areas classified as Moderate or above (see CAA section 182(b)(2)). The SCAQMD regulates an ozone nonattainment area classified as Extreme for the 2015 8-hour ozone NAAQS (40 CFR 81.305). Therefore, this rule must implement RACT.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation, and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).

3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

Rule 1118 improves the SIP by establishing more stringent emission limits and by clarifying monitoring, recording, and recordkeeping provisions. The rule is largely consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

C. What are the rule deficiencies?

The director's discretion in Rule 1118 Section (j) does not satisfy the requirements of section 110 of the Act and prevents full approval of the SIP revision. Documents submitted for inclusion into the SIP should not include unbounded director's discretion that allows the State to approve alternatives to the applicable SIP without following the SIP revision process described in CAA section 110. Rule 1118 Section (j) provides the Executive Officer the authority to approve American Society for Testing and Materials (ASTM) methods other than those currently included in the rule. Without further specificity regarding how this authority will be exercised, it could functionally allow for a revision of the SIP without complying with the process for SIP revisions required by the CAA. As a result, this undermines the enforceability of the submission, constitutes a SIP deficiency, and conflicts with CAA Section 110.

D. The EPA's Recommendations To Further Improve the Rule

There are no further recommendations.

E. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA is proposing a limited approval and limited disapproval of the submitted rule. The limited disapproval for Rule 1118 is based on the enforceability issue identified in section II.C. of this document. We will accept comments from the public on this proposal until April 25, 2022. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient. If we finalize this disapproval, CAA section 110(c) would require the EPA to promulgate a Federal implementation plan within 24 months unless we approve subsequent SIP revisions that correct the deficiencies identified in the final approval.

In addition, final disapproval would trigger the offset sanction in CAA section 179(b)(2) 18 months after the effective date of a final disapproval, and the highway funding sanction in CAA section 179(b)(1) six months after the offset sanction is imposed. A sanction will not be imposed if the EPA determines that a subsequent SIP submission corrects the deficiencies identified in our final action before the applicable deadline. The EPA intends to work with the SCAQMD to correct the deficiency in a timely manner.

Note that the submitted rule has been adopted by the SCAQMD, and the EPA's final limited disapproval would not prevent the local agency from enforcing it. The limited disapproval also would not prevent any portion of the rule from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: *https://www.epa.gov/sites/production/files/2015-07/documents/procsip.pdf.*

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the SCAQMD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. 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 the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

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. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

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: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive order. This action is not subject to Executive Order 13045 because it does not impose additional

requirements beyond those imposed by state law.

H. Executive Order 13211: Actions 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)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 20, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–06344 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 87, No. 58
Friday, March 25, 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

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 April 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 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.

Food and Nutrition Service

Title: Child and Adult Care Food Program (CACFP).

OMB Control Number: 0584–0055.

Summary of Collection: Section 17 of the National School Lunch Act (''the Act''), as amended (42 U.S.C. 1766), authorizes the Child and Adult Care Program (CACFP). Section 17a of the Act authorizes the Afterschool/At-Risk component of the CACFP. Section 9 of the Act authorizes nutritional and other program requirements related to the CACFP. Under this program, the Secretary of Agriculture is authorized to provide cash reimbursement and commodity assistance, on a per meal basis, for food service to children in nonresidential child care centers and family or group day care homes, and to eligible adults in nonresidential adult day care centers. The Food and Nutrition Service (FNS) has established application, monitoring, recordkeeping, public disclosure, and reporting requirements to manage the Program effectively, and ensure that the legislative intent of this mandate is responsibly implemented.

This is a reinstatement, with change, of a previously approved information collection that expired on February 29, 2020. Due to statute, FNS is still legally required to collect the data in this information collection. Consequently, FNS has been collecting this information in violation of the Paperwork Reduction Act. With this reinstatement, FNS is requesting approval for the information collected in this collection.

Need and Use of the Information: The information collected is necessary to enable institutions wishing to participate in the CACFP to submit applications to the administering agencies, execute agreements with those agencies, and claim the reimbursement to which they are entitled by law. FNS and State agencies administering the program will use the collected information to ensure that institutions accept, as mandated by Congress, their responsibilities and liabilities in connection with the CACFP, provide the legal basis for their participation, and allow administering agencies to monitor these operations to ensure compliance with legislative and regulatory requirements. FNS uses the information to conduct reviews that determine whether or not institutions are observing the requirements established by statute and regulation.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government; and Individuals or households.

Number of Respondents: 3,794,949.

Frequency of Responses: Recordkeeping; Reporting, and Third Party Disclosure: On occasion; Monthly, and Annually.

Total Burden Hours: 4,213,211.

Dated: March 22, 2022.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–06320 Filed 3–24–22; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 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.

Economic Research Service

Title: The Second National Household Food Acquisition and Purchase Survey (FoodAps–2).

OMB Control Number: 0536–NEW.

Summary of Collection: The Economic Research Service (ERS) will be conducting the Second National Household Food Acquisition and Purchase Survey (FoodAPS–2) Field Test. The mission of ERS is to provide timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment, and rural America. To achieve this mission, ERS requires a variety of data that describe agricultural production, food distribution channels, availability and price of food at the point of sale, and household demand for food products. Section 17 (U.S.C. 2026)(a)(1) of the Food and Nutrition Act of 2008 provides legislative authority for the planned data collection.

Need and Use of the Information: The main objective of the Field Test is to test the final design and procedures for the Full Survey data collection. The Field Test will make use of the latest smartphone and computer technologies to collect data on foods acquired and to monitor data as well as implement a monetary incentives scheme to encourage report of foods acquired throughout the entire survey period. The data collection will provide information that is critical to ERS' plans for the next round of FoodAPS data collection. The data will be analyzed and used to finalize design and data collection protocol for the Full Survey.

Description of Respondents: Individuals or households.

Number of Respondents: 4,125.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3,211.

Dated: March 22, 2022.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–06316 Filed 3–24–22; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tonto National Forest; Arizona; Revision of the Land Management Plan for the Tonto National Forest

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of opportunity to object to the revised Land Management Plan and the Regional Forester's list of species of conservation concern for the Tonto National Forest.

SUMMARY: The Forest Service is revising the Tonto National Forest's Land Management Plan (Forest Plan). The Forest Service has prepared a Final Environmental Impact Statement (FEIS) for its revised Forest Plan and a draft Record of Decision (ROD). This notice is to inform the public that the Tonto National Forest is initiating a 60-day period where individuals or entities with specific concerns about the Tonto National Forest's revised Forest Plan and the associated FEIS may file objections for Forest Service review prior to the approval of the revised Forest Plan. This is also an opportunity to object to the Regional Forester's list of species of conservation concern for the Tonto National Forest.

DATES: The publication date of the legal notice in the Tonto National Forest's newspaper of record, *Arizona Capitol Times,* initiates the 60-day objection period and is the exclusive means for calculating the time to file an objection (36 CFR 219.52(c)(5)). An electronic scan of the legal notice with the publication date will be posted at *https://www.fs.usda.gov/project/?project=51592.*

ADDRESSES: The Tonto National Forest's revised Forest Plan, FEIS, draft ROD, species of conservation concern list, and other supporting information will be available for review at: *https://www.fs.usda.gov/project/?project=51592.* Copies of the Tonto National Forest's revised Forest Plan, FEIS, draft ROD, and Regional Forester's list of species of conservation concern can be obtained online at: *https://www.fs.usda.gov/project/?project=51592* or at the following office: Tonto National Forest Supervisor's Office, 2324 E McDowell Rd., Phoenix, AZ 85006, Phone: (602) 225–5200.

Objections must be submitted to the Objection Reviewing Officer by one of the following methods:

- *Electronically to the Objection Reviewing Officer via the CARA objection web form: https://cara.ecosystem-management.org/Public//CommentInput?Project=51592.* Electronic submissions must be submitted in a format (Word, PDF, or Rich Text) that is readable and searchable with optical character recognition software.
- *Via regular mail to the following address:* USDA-Forest Service Southwest Region, ATTN: Objection Reviewing Officer, 333 Broadway Blvd. SE, Albuquerque, NM 87102.
- *By Fax:* 505–842–3173. Faxes must be addressed to ''Objection Reviewing Officer.'' The fax coversheet should include a subject line with ''Tonto National Forest Plan Revision Objection'' or ''Tonto Species of Conservation Concern'' and specify the number of pages being submitted.
- To submit an objection via hand delivery, please contact your local district office.

FOR FURTHER INFORMATION CONTACT: Forest Supervisor, Neil Bosworth, at (602) 225–5201 or *neil.bosworth@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The decision to approve the revised Forest Plan and the Regional Forester's list of species of conservation concern for the Tonto National Forest will be subject to the objection process identified in 36 CFR part 219 subpart B (219.50 to 219.62).

How To File an Objection

Objections must be submitted to the Objection Reviewing Officer at the address shown in the **ADDRESSES** section of this notice. An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available. In cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the draft plan decision may be improved. If the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the proposed plan, plan amendment, or plan revision comment period. It is the responsibility of the objector to ensure that the Objection Reviewing Officer receives the objection in a timely manner. The regulations generally prohibit extending the length of the objection filing period (36 CFR 219.56(d)). However, when the time period expires on a Saturday, Sunday, or a Federal holiday, the time is extended to the end of the next Federal working day (11:59 p.m. for objections filed by electronic means such as email or facsimile machine) (36 CFR 219.56).

Responsible Official

The responsible official who will approve the ROD and the revised Forest Plan for the Tonto National Forest is Neil Bosworth, Forest Supervisor, Tonto National Forest, Tonto National Forest Supervisor's Office, phone: (602) 225–5201. The responsible official for the list of species of conservation concern is Michiko Martin, Regional Forester, USDA Forest Service Southwestern Region, 333 Broadway Blvd. SE, Albuquerque, NM 87102.

The Regional Forester is the reviewing officer for the revised Forest Plan since the Forest Supervisor is the responsible official (36 CFR 219.56(e)). The decision to approve the species of conservation concern list will be subject to a separate objection process. The Chief of the Forest Service is the reviewing officer for species of conservation concern identification since the Regional Forester is the responsible official (36 CFR 219.56(e)(2)). This authority may be delegated to an individual Deputy Chief or Associate Deputy Chief for the National Forest System, consistent with delegations of authority provided in the Forest Service Manual at sections 1235.4 and 1235.5.

Dated: March 4, 2022.

Barnie Gyant,

Associate Deputy Chief, National Forest System.

[FR Doc. 2022–06317 Filed 3–24–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No.: RHS–22–MFH–0003]

Section 514 Off-Farm Labor Housing Loans and Section 516 Off-Farm Labor Housing Grants To Improve, Repair, or Make Modifications to Existing Off-Farm Labor Housing Properties for Fiscal Year 2022; Correction

AGENCY: Rural Housing Service, USDA.

ACTION: Notice of Funds Availability (NOFA); Correction.

SUMMARY: The Rural Housing Service (RHS), a Rural Development agency of the United States Department of Agriculture, is correcting a notice of funding availability (NOFA) that was published in the **Federal Register** on March 9, 2022, entitled, ''Section 514 Off-Farm Labor Housing Loans and Section 516 Off-Farm Labor Housing Grants to Improve, Repair, or Make Modifications to existing Off-Farm Labor Housing Properties for Fiscal Year 2022.'' The notice announced the acceptance of pre-applications for subsequent Section 514 Off-Farm Labor Housing (Off-FLH) loans and subsequent Section 516 Off-FLH grants to improve, repair, or make modifications to existing Off-Farm Labor Housing Properties for fiscal year 2022. The purpose of this notice is to correct the application deadline dates published in the **Federal Register** on March 9, 2022.

DATES: March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Jonathan Bell, Director, Processing and Report Review Branches, Production and Preservation Division, Multifamily Housing Programs, Rural Development, United States Department of Agriculture, via email: *MFHprocessing1@usda.gov* or telephone: (254) 742–9764.

SUPPLEMENTARY INFORMATION:

Corrections

In the **Federal Register** of March 9, 2022, in FR Doc. 2022–04718 (87 FR 13374), make the following corrections:

(1) In the first column of page 13374, amend the **DATES** section to read as follows:

DATES: Eligible pre-applications submitted to the Production and Preservation Division, Processing and Report Review Branch, for this Notice will be accepted until May 9, 2022, 12 p.m., Eastern Standard Time. Pre-applications that are deemed eligible but are not selected for further processing, will be withdrawn from processing. RHS will not consider any application that is received after the established deadlines unless the date and time are extended by another Notice published in the **Federal Register**. The RHS may at any time supplement, extend, amend, modify, or supersede this Notice by publishing another Notice in the **Federal Register**. Additional information about this funding opportunity can be found on the *Grants.gov* website at *http://www.grants.gov.*

The application deadlines are as follows:

1. Pre-applications must be submitted by May 9, 2022, 12 p.m., Eastern Standard Time.

2. RHS notification to applicants by July 11, 2022.

3. Final applications must be submitted by September 12, 2022, 12 p.m., Eastern Standard Time.

4. Awards communicated to applicants by November 14, 2022.

5. Awards posted to the RHS website by December 14, 2022.

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2022–06300 Filed 3–24–22; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Simple Network Application Process and Multipurpose Application Form

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before May 24, 2022.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at *mark.crace@bis.doc.gov* or to *PRAcomments@doc.gov*). Please reference OMB Control Number 0694–0088 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Crace, IC Liaison, Bureau of Industry and Security, phone 202–482–8093 or by email at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 1761(h) under the Export Control Reform Act (ECRA) of 2018, authorizes the President and the Secretary of Commerce to issue regulations to implement the ECRA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts. Export control authority has been assigned directly to the Secretary of Commerce by the ECRA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR). BIS administers a system of export, re-export, and in-country transfer controls in accordance with the EAR. In doing so, BIS requires that parties wishing to engage in certain transactions apply for licenses, submit Encryption Review Requests, or submit notifications to BIS. BIS also reviews, upon request, specifications of various items and determines their proper classification under the EAR.

II. Method of Collection

Electronic.

III. Data

OMB Control Number: 0694–0088.

Form Number(s): BIS–748P, BIS–748P–A, BIS–748P–B.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 68,698.

Estimated Time per Response: 29.6 minutes.

Estimated Total Annual Burden Hours: 33,133.

Estimated Total Annual Cost to Public: 993,990.

Respondent's Obligation: Voluntary.

Legal Authority: Section 1761(h) of the Export Control Reform Act (ECRA).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–06334 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–433–812, A–423–812, A–351–847, A–570–047, A–427–828, A–428–844, A–475–834, A–588–875, A–580–887, A–791–822, A–583–858, A–489–828]

Certain Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these expedited sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain carbon and alloy steel cut-to-length plate (CTL plate) from Austria, Belgium, Brazil, the People's Republic of China (China), France, the Federal Republic of Germany (Germany), Italy, Japan, the Republic of Korea (Korea), South Africa, Taiwan, and the Republic of Turkey (Turkey) would be likely to lead to continuation or recurrence of dumping as indicated in the ''Final Results of Sunset Reviews'' section of this notice. The sunset period of review is 2017–2021.

DATES: Applicable March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3683.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2021, Commerce published the notice of initiation of the sunset reviews of the AD *Orders* on CTL plate from Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey [1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] In accordance with 19 CFR 351.218(d)(1)(i) and (ii), Commerce received notices of intent to participate in these sunset reviews from the domestic interested parties within 15 days after the date of publication of the *Initiation Notice.*[3] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act.[4]

Commerce received adequate substantive responses to the *Initiation Notice* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i).[5] Commerce received no substantive responses from any respondent interested parties. In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited, *i.e.,* 120-day, sunset reviews of the *Orders.*

Scopes of the Orders

The products covered by these *Orders* are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted,

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from Brazil, South Africa, and the Republic of Turkey: Antidumping Duty Orders,* 82 FR 8911 (February 1, 2017); *Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Antidumping Duty Order,* 82 FR 14349 (March 20, 2017); and *Certain Carbon and Alloy Steel Cut-To-Length Plate from Austria, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, and Taiwan: Amended Final Affirmative Antidumping Determinations for France, the Federal Republic of Germany, the Republic of Korea and Taiwan, and Antidumping Duty Orders,* 82 FR 24096 (May 25, 2017) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 68220 (December 1, 2021).

[3] The domestic interested parties are comprised of three domestic producers of CTL plate: SSAB Enterprises, LLC (SSAB), Cleveland-Cliffs Inc. (Cleveland-Cliffs), and Nucor Corporation (Nucor) (collectively, domestic interested parties). *See* SSAB's Letters, ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Brazil: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From China: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From France: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Germany: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Japan: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Korea: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From South Africa: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021; and ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Turkey: Notice Of Intent To Participate In Sunset Review,'' dated December 15, 2021. *See* Cleveland Cliffs' Letters, ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Austria: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Brazil: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From China: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From France: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Germany: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Japan: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Korea: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From South Africa: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate From Turkey: Notice Of Intent To Participate In Sunset Review,'' dated December 16, 2021; *See* Nucor's Letters, ''Carbon and Alloy Steel Cut-To-Length Plate From Austria: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Belgium: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Brazil: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From France: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Germany: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Italy: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Japan: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From South Korea: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From South Africa: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; ''Carbon and Alloy Steel Cut-To-Length Plate From Taiwan: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; and ''Carbon and Alloy Steel Cut-To-Length Plate From Turkey: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021.

[4] *Id.*

[5] *See* Domestic Interested Parties' Letters, ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate from China: Domestic Industry Substantive Response,'' dated December 27, 2021 (China Substantive Response); ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate from Japan: Domestic Industry Substantive Response,'' dated December 27, 2021 (Japan Substantive Response); ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate from Korea: Domestic Industry Substantive Response,'' dated December 27, 2021 (Korea Substantive Response); ''Five-Year (''Sunset'') Review Of Antidumping Duty Order On Certain Carbon and Alloy Steel Cut-To-Length Plate from Taiwan: Domestic Industry Substantive Response,'' dated December 27, 2021; ''Carbon and Alloy Steel Cut-to-Length Plate from Austria, First Sunset Review: Domestic Producers' Substantive Response to Notice of Initiation,'' dated December 28, 2021; ''Carbon and Alloy Steel Cut-to-Length Plate from Brazil, First Review: Domestic Producers' Substantive Response to Notice of Initiation,'' dated December 28, 2021; ''Carbon and Alloy Steel Cut-to-Length Plate from Germany, First Review: Domestic Producers' Substantive Response to Notice of Initiation,'' dated December 28, 2021; ''Carbon and Alloy Steel Cut-to-Length Plate from South Africa, First Sunset Review: Domestic Producers' Substantive Response to Notice of Initiation,'' dated December 28, 2021; ''Certain Carbon and Alloy Steel Cut-to-Length Plate from Belgium: Substantive Response to Notice of Initiation of Sunset Review,'' dated January 3, 2022; ''Certain Carbon and Alloy Steel Cut-to-Length Plate from France: Substantive Response to Notice of Initiation of Sunset Review,'' dated January 3, 2022; ''Certain Carbon and Alloy Steel Cut-to-Length Plate from Italy: Substantive Response to Notice of Initiation of Sunset Review,'' dated January 3, 2022; and ''Certain Carbon and Alloy Steel Cut-to-Length Plate from Turkey: Substantive Response to Notice of Initiation of Sunset Review,'' dated January 3, 2022.

varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Full descriptions of the scopes of the *Orders* are contained in the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in these reviews are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of dumping margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in the Issues and Decision Memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be found at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c) and 752(c) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping and that the magnitude of the margins of dumping likely to prevail would be up to the following weighted-average dumping margins:

Country	Weighted-average dumping margin (percent)
Austria	53.72
Belgium	51.78
Brazil	74.52
China	68.27
France	148.02
Germany	22.90
Italy	22.19
Japan	48.67
Korea	7.39
South Africa	94.14
Taiwan	6.95
Turkey	50.00

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Certain Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, Brazil, the People's Republic of China, France, the Federal Republic of Germany, Italy, Japan, the Republic of Korea, Italy, Japan, South Africa, Taiwan, and the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: March 18, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scopes of the Orders
IV. History of the Orders
V. Legal Framework
VI. Discussion of the Issues
VII. Final Results of Expedited Sunset Reviews
VIII. Recommendation

[FR Doc. 2022–06274 Filed 3–24–22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–048]

Certain Carbon and Alloy Steel Cut-To-Length Plate From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on certain carbon and alloy steel cut-to-length plate (CTL plate) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailing subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable March 25, 2022.

FOR FURTHER INFORMATION CONTACT: Eric Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1988.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2017, Commerce published in the **Federal Register** the CVD order on CTL plate from China.[1] On December 1, 2021, Commerce initiated the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On December 15 and 16, 2021, Commerce received timely filed notices of intent to participate from SSAB Enterprises, LLC (SSAB), Nucor Corporation (Nucor), and Cleveland-Cliffs Inc. (Cleveland Cliffs) (collectively, the domestic interested parties) within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed interested party status under section 771(9)(C) of the Act as producers of the domestic like product.

On December 27, 2021, Commerce received an adequate substantive response to the *Initiation Notice* from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no substantive responses from any other interested parties, including the Government of China. On January 20, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Countervailing Duty Order,* 82 FR 14346 (March 20, 2017) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 68220 (December 1, 2021) (*Initiation Notice*).

[3] *See* SSAB's Letter, ''Notice of Intent to Participate in the First Five-Review of the Countervailing Duty Order on Carbon and Alloy Steel Cut-to-Length Plate from China,'' dated December 15, 2021; *see also* Nucor's Letter, ''Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021; and Cleveland-Cliffs's Letter, ''Five-Year (''Sunset'') Review of Countervailing Duty Order on Carbon and Alloy Steel Cut-to-Length Plate from China: Notice of Intent to Participate in Sunset Review,'' dated December 16, 2021.

[4] *See* Domestic Interested Parties' Letter, ''Five Year (''Sunset'') Review of the Countervailing Duty Order on Carbon and Alloy Steel Cut-to-Length Plate from China: Domestic Industry Substantive Response,'' dated December 27, 2021.

[5] *See* Commerce's Letter, ''Sunset Reviews Initiated on December 1, 2021,'' dated January 20, 2022.

351.218(e)(1)(ii)(B)–(C), Commerce conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The products covered by this order are CTL plate. For a complete description of the scope of the *Order, see* Appendix I.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the accompanying Issues and Decision Memorandum,[6] which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are listed in Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of countervailable subsidy at the rates listed below.

Exporter/producer	Net subsidy rate (percent)
Jiangyin Xingcheng Special Steel Works Co. Ltd	251.00
Hunan Valin Xiangtan Iron & Steel	251.00
Viewer Development Co., Ltd	251.00
Jiangsu Tiangong Tools Company Limited, Tiangong Aihe Company Limited, Jiangsu Tiangong Group Company Limited, Jiangsu Tiangong Mould Steel R&D Center Company Limited	24.04
All Others	251.00

Administrative Protective Order (APO)

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 18, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The products covered by this order are certain carbon and alloy steel hot-rolled or forged flat plate products not in coils, whether or not painted, varnished, or coated with plastics or other non-metallic substances (cut-to-length plate). Subject merchandise includes plate that is produced by being cut-to-length from coils or from other discrete length plate and plate that is rolled or forged into a discrete length. The products covered include (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a thickness of not less than 4 mm, which are not in coils and without patterns in relief), and (2) hot-rolled or forged flat steel products of a thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are not in coils, whether or not with patterns in relief. The covered products described above may be rectangular, square, circular or other shapes and include products of either rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above, the following rules apply:

(1) Except where otherwise stated where the nominal and actual thickness or width measurements vary, a product from a given subject country is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above; and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this order are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

Subject merchandise includes cut-to-length plate that has been further processed in the subject country or a third country, including but not limited to pickling, oiling, levelling, annealing, tempering, temper rolling, skin passing, painting, varnishing, trimming, cutting, punching, beveling, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the order if performed in the country of manufacture of the cut-to-length plate.

All products that meet the written physical description, are within the scope of this order unless specifically excluded or covered by the scope of an existing order. The following products are outside of, and/or specifically excluded from, the scope of this order:

(1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances;

(2) military grade armor plate certified to one of the following specifications or to a specification that references and incorporates one of the following specifications:

- MIL–A–12560,
- MIL–DTL–12560H,
- MIL–DTL–12560J,
- MIL–DTL–12560K,
- MIL–DTL–32332,
- MIL–A–46100D,
- MIL–DTL–46100–E,
- MIL–46177C,
- MIL–S–16216K Grade HY80,
- MIL–S–16216K Grade HY100,
- MIL–S–24645A HSLA–80;
- MIL–S–24645A HSLA–100,
- T9074–BD–GIB–010/0300 Grade HY80,
- T9074–BD–GIB–010/0300 Grade HY100,
- T9074–BD–GIB–010/0300 Grade HSLA80,
- T9074–BD–GIB–010/0300 Grade HSLA100, and
- T9074–BD–GIB–010/0300 Mod. Grade HSLA115,

except that any cut-to-length plate certified to one of the above specifications, or to a military grade armor specification that references and incorporates one of the above specifications, will not be excluded from the scope if it is also dual- or multiple-certified to any other non-armor specification that otherwise would fall within the scope of this order;

(3) stainless steel plate, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(4) CTL plate meeting the requirements of ASTM A–829, Grade E 4340 that are over 305 mm in actual thickness;

(5) Alloy forged and rolled CTL plate greater than or equal to 152.4 mm in actual thickness meeting each of the following requirements:

(a) Electric furnace melted, ladle refined & vacuum degassed and having a chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.20,
- Manganese 1.20–1.60,
- Nickel not greater than 1.0,
- Sulfur not greater than 0.007,
- Phosphorus not greater than 0.020,
- Chromium 1.0–2.5,
- Molybdenum 0.35–0.80,
- Boron 0.002–0.004,

[6] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) With a Brinell hardness measured in all parts of the product including mid thickness falling within one of the following ranges:

(i) 270–300 HBW,

(ii) 290–320 HBW, or

(iii) 320–350 HBW;

(c) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.0, C not exceeding 0.5, D not exceeding 1.5; and

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 2 mm flat bottom hole;

(6) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, Ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.23–0.28,
- Silicon 0.05–0.15,
- Manganese 1.20–1.50,
- Nickel not greater than 0.4,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.20–1.50,
- Molybdenum 0.35–0.55,
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm;

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.5, B not exceeding 1.5, C not exceeding 1.0, D not exceeding 1.5;

(c) Having the following mechanical properties:

(i) With a Brinell hardness not more than 237 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 75 ksi min and UTS 95 ksi or more, Elongation of 18% or more and Reduction of area 35% or more; having charpy V at −75 degrees F in the longitudinal direction equal or greater than 15 ft. lbs (single value) and equal or greater than 20 ft. lbs (average of 3 specimens) and conforming to the requirements of NACE MR01–75; or

(ii) With a Brinell hardness not less than 240 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 90 ksi min and UTS 110 ksi or more, Elongation of 15% or more and Reduction of area 30% or more; having charpy V at −40 degrees F in the longitudinal direction equal or greater than 21 ft. lbs (single value) and equal or greater than 31 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301;

(7) Alloy forged and rolled steel CTL plate over 407 mm in actual thickness and meeting the following requirements:

(a) Made from Electric Arc Furnace melted, ladle refined & vacuum degassed, alloy steel with the following chemical composition (expressed in weight percentages):

- Carbon 0.25–0.30,
- Silicon not greater than 0.25,
- Manganese not greater than 0.50,
- Nickel 3.0–3.5,
- Sulfur not greater than 0.010,
- Phosphorus not greater than 0.020,
- Chromium 1.0–1.5,
- Molybdenum 0.6–0.9,
- Vanadium 0.08 to 0.12
- Boron 0.002–0.004,
- Oxygen not greater than 20 ppm,
- Hydrogen not greater than 2 ppm, and
- Nitrogen not greater than 60 ppm.

(b) Having cleanliness in accordance with ASTM E45 method A (Thin and Heavy): A not exceeding 1.0(t) and 0.5(h), B not exceeding 1.5(t) and 1.0(h), C not exceeding 1.0(t) and 0.5(h), and D not exceeding 1.5(t) and 1.0(h);

(c) Having the following mechanical properties: A Brinell hardness not less than 350 HBW measured in all parts of the product including mid thickness; and having a Yield Strength of 145 ksi or more and UTS 160 ksi or more, Elongation of 15% or more and Reduction of area 35% or more; having charpy V at −40 degrees F in the transverse direction equal or greater than 20 ft. lbs (single value) and equal or greater than 25 ft. lbs (average of 3 specimens);

(d) Conforming to ASTM A578–S9 ultrasonic testing requirements with acceptance criteria 3.2 mm flat bottom hole; and

(e) Conforming to magnetic particle inspection in accordance with AMS 2301.

The products subject to the order are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7225.40.1110, 7225.40.1180, 7225.40.3005, 7225.40.3050, 7226.20.0000, and 7226.91.5000.

The products subject to the order may also enter under the following HTSUS item numbers: 7208.40.6060, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.19.1500, 7211.19.2000, 7211.19.4500, 7211.19.6000, 7211.19.7590, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7214.10.0000, 7214.30.0010, 7214.30.0080, 7214.91.0015, 7214.91.0016, 7214.91.0020, 7214.91.0060, 7214.91.0090, 7225.11.0000, 7225.19.0000, 7225.40.5110, 7225.40.5130, 7225.40.5160, 7225.40.7000, 7225.99.0010, 7225.99.0090, 7226.11.1000, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.0500, 7226.91.1530, 7226.91.1560, 7226.91.2530, 7226.91.2560, 7226.91.7000, 7226.91.8000, and 7226.99.0180.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the order is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rate Likely To Prevail
3. Nature of the Subsidies
VII. Final Results of Review
VIII. Recommendation

[FR Doc. 2022–06331 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB489]

Fisheries Finance Program; Announcement of Availability of Federal Financial Assistance for Western Alaskan Community Development Groups

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

ACTION: Notice of availability of Federal financial assistance for Western Alaskan Community Development Quota Groups.

SUMMARY: NMFS announces the availability of long-term direct loans for Western Alaskan Community Development Quota (CDQ) groups through the Community Development Loan program as a component of the Fisheries Finance Program (FFP). The Community Development loans will provide financing for the purchase of all or part of ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights in any of the Bering Sea and Aleutian Island fisheries. FFP loans are not issued for purposes that could contribute to over-fishing.

DATES: Letters of interest must be received by April 25, 2022. Applications should be submitted beginning April 25, 2022 and must be received by June 24, 2022.

ADDRESSES: Letters of interest will only be accepted via email to *scott.houghtaling@noaa.gov.* Applications must be submitted electronically to *scott.houghtaling@noaa.gov* through secure transmissions.

FOR FURTHER INFORMATION CONTACT: Applicants may obtain information regarding Community Development loans by contacting: Scott Houghtaling, Branch Chief; Northwest Financial Services Branch, F/MB53 National Marine Fisheries Service, National Oceanic and Atmospheric Administration. Phone: (206) 526–6122 or by email to *scott.houghtaling@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Authority

The FFP's primary statutory authority is found in Title XI of the Merchant Marine Act, 1936, as amended and now recodified at 46 U.S.C. 53701, *et seq.* (Act). The Sustainable Fisheries Act (SFA) (Pub. L. 104–297, 110 Stat 3559) amended section 1104A(a)(7) of Title XI of the Merchant Marine Act of 1936 and section 303(d)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) to authorize Individual Fishing Quota financing.

Authority for the Community Development Loan program for CDQ lending as a component of the FFP is found in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law 105–277, 112 stat. 2681–635, Section 211(e), as amended by the Science, State, Justice, Commerce, and Related Agencies Appropriations Act of 2006, Public Law 109–108, 119 Stat. 2311–2312 and the Coast Guard and Maritime Transportation Act of 2006, Public Law 109–241, 120 stat. 545, section 416(c). NMFS published a final rule for CDQ lending in the **Federal Register** on December 16, 2010 (75 FR 78619), codified at 50 CFR part 253. This authority is subject to the Federal Credit Reform Act of 1990 (FCRA) (2 U.S.C. 661 *et seq.*) and the Single Audit Act Amendments of 1996 (31 U.S.C. 7501 *et seq.*). CDQ loans are subject to all FFP general credit standards and requirements, except that CDQ loans may have terms up to thirty years pursuant to 50 CFR 253.29(d), but shall not exceed the project property's useful life. Collateral, guarantee and other requirements may be adjusted to individual credit risks.

B. Assistance Listings

The FFP is listed on *www.sam.gov* under the ''Catalog of Federal Domestic Assistance'' number 11.415: *Fisheries Finance Program.*

C. Funding Availability

The amount of credit authority available for the purposes of purchasing all or part of the ownership interests in fishing or processing vessels, shoreside fish processing facilities, permits, quota, and cooperative rights in any of the Bering Sea and Aleutian Island fisheries, is approximately $197,284,200. This amount is available until expended.

D. Eligibility Criteria

Eligible applicants are defined in Public Law 105–277, 112 Stat 2681, Section 211(e). The following six CDQ groups are eligible to apply:

1. Aleutian Pribilof Island Community Development Association;
2. Bristol Bay Economic Development Corporation;
3. Central Bering Sea Fishermen's Association;
4. Coastal Villages Region Fund;
5. Norton Sound Economic Development Corporation; and
6. Yukon Delta Fisheries Development Association.

E. Process & Priority for Accepting Applications

(1) The FFP has approximately $197,284,200 in CDQ loan authority. Each of the six CDQ groups may submit a letter of interest to borrow up to $32,880,700 for a qualified FFP loan project(s) by April 25, 2022.

(2) Letters of interest will only be accepted via email to *scott.houghtaling@noaa.gov.*

(3) NMFS will respond to letters of interest from the CDQ groups by providing FFP Loan Application Form, NOAA Form 88–1 and instructions for submitting applications electronically through secure transmissions. Applications will only be accepted electronically through secured transmissions.

(4) If NMFS does not receive letters of interest from the CDQ groups totaling $197,280,000 by April 25, 2022, NMFS will inform the 6 CDQ groups that the remaining funds will be available on a first come basis. Any CDQ group that has already submitted a letter of interest may adjust its funding request in a subsequent letter of interest or application should remaining funds be available as described, and any CDQ group that had not previously submitted a letter of interest may still do so in the event of any remaining funds. There is no preference for a letter of interest or application for remaining funds, either will be accepted for purposes of determining who has expressed interest first, provided that a timely application is subsequently received by June 24, 2022. If at any time, the total amounts requested exceed the lending authority listed above, priority will be based on the date and time of the electronic submission.

(5) NMFS will begin accepting applications on April 25, 2022 at 9 a.m., EDT. Applications received before this time will not be accepted. Applications will be reviewed in the order in which they are received. Applications must be submitted electronically to *scott.houghtaling@noaa.gov* through secure transmissions. Each CDQ group will have until June 24, 2022 to submit a loan application(s).

(6) If NMFS does not receive any loan applications by June 24, 2022 for the extent of its loan authority, NMFS will inform the 6 CDQ groups that the remaining funds will be available on a first come basis. If at any time, the total amounts requested exceed the lending authority listed above, priority will be based on the date and time of the electronic submission.

II. Administrative Requirements & Evaluation Criteria

(1) Per Section 1.A. of this notification, Community Development loans to CDQ groups are subject to all FFP general credit standards and requirements in 50 CFR part 253. These include, for example, requirements for applicable interest rates, principal, collateral, and working capital, lending restrictions, ability and experience requirements, and application fees. In addition, NMFS will not approve loans for fisheries that are listed as overfished or subject to overfishing. NMFS will undertake a due diligence investigation of every application to determine if, in its sole judgment, the application is both eligible for a loan because it meets the applicable loan requirements and qualified because the project is deemed an acceptable credit risk. Among other investigations, applicants may be subject to a background check, fisheries violations check and credit review. Background checks are intended to reveal if any key individuals associated with the project have been convicted of, or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's honesty or financial integrity.

(2) Community Development loans to CDQ groups are also subject to the requirements for Federal loans codified in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, as described in 2 CFR 200.101(b), adopted by the Department of Commerce in 2 CFR part 1327. Applicable requirements for Federal loans include, but are not limited to, internal controls (2 CFR 200.303) and audit requirements (2 CFR part 200, subpart F). Prospective ''participants'' (as defined at 2 CFR 180.980) are subject to 2 CFR part 180, subparts A through I, as supplemented by 2 CFR part 1326, regarding ''Nonprocurement Debarment and Suspension.'' Disclosure of an applicant's Taxpayer Identification

Number, and, to the extent permitted by applicable law, the social security number for an individual, may be made in the event NMFS takes action to exclude a person under the nonprocurement debarment and suspension system using the System for Award Management Exclusions, as described in 2 CFR part 180, subpart E.

(3) In accordance with the provisions of the Debt Collection Improvement Act of 1996, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan guarantee if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury.

(4) A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001 and an event of a security default. 50 CFR 253.12(c).

(5) Recipients of Federal loans are subject to the applicable lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.'' Applicants must submit a completed Form CD–511, ''Certification Regarding Lobbying.''

(6) An applicant classified for tax purposes as an individual, limited liability company, partnership, proprietorship, corporation, or legal entity is required to submit a taxpayer identification number (TIN) (either social security number, employer identification number as applicable, or registered foreign organization number) on Form W–9, ''Payers Request for Taxpayer Identification Number.'' Recipients who either fail to provide their TIN or provide an incorrect TIN may have funding suspended until the requirement is met.

(7) An audit of a Community Development loan may be conducted at any time; expenditures of or exceeding $750,000 during a non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit for that year. 50 CFR 253.25(d); 2 CFR 200.501(a). Auditee responsibilities are set forth in 2 CFR 200.508. Auditors, selected pursuant to 2 CFR 200.509, shall have access to any and all personnel, accounts, books, documents, papers and records, supporting documentation and other information of the obligor or any other party to a financing, that the auditor(s) deem pertinent, whether written, printed, recorded, produced or reproduced by any mechanical, magnetic or other process or medium.

III. Regulatory Determinations

Neither the Administrative Procedure Act nor any other law requires prior notice and opportunity for public comment about this document (which concerns loans). Consequently, the Regulatory Flexibility Act does not require a regulatory flexibility analysis. This action is not a ''regulation'' for purposes of Executive Order 12866 (Regulatory Planning and Review) nor does it constitute a policy that has federalism implications under Executive Order 13132 (Federalism).

This notification contains and refers to collection-of-information requirements subject to the Paperwork Reduction Act. The application requirements contained in the notification have been approved under OMB control number 0648–0012. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

This action is subject to the National Environmental Policy Act. Pursuant to the NOAA Administrative Order 216–6A and the NOAA Companion Manual (CM), ''Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities'' (effective January 13, 2017), NMFS has determined that this action is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment under Categorical Exclusion D.1, at CM Appendix E. The action does not involve any of the extraordinary circumstances provided in NOAA's NEPA procedures, and therefore does not require further analysis to determine whether the action may have significant effects (CM at 4.A).

Dated: March 22, 2022.

Brian Pawlak,

Director, NMFS Office of Management and Budget.

[FR Doc. 2022–06336 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB839]

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2022 Research Fishery

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

ACTION: Notice of public meeting.

SUMMARY: On November 19, 2021, NMFS published a notice inviting qualified commercial shark permit holders to submit applications to participate in the 2022 Shark Research Fishery. The Shark Research Fishery allows for the collection of fishery-dependent data for future stock assessments and cooperative research with commercial fishermen to meet the shark research objectives of the Agency. Every year, the permit terms and permitted activities (*e.g.,* number of hooks and retention limits) specifically authorized for selected participants in the Shark Research Fishery are designated depending on the scientific and research needs of the Agency, as well as the number of NMFS-approved observers available. In order to inform selected participants of this year's specific permit requirements and ensure all terms and conditions of the permit are met, NMFS is holding a meeting via conference call and webinar for selected participants. The date and time of that meeting is announced in this notice.

DATES: A conference call will be held on March 31, 2022.

ADDRESSES: A meeting will be conducted. See **SUPPLEMENTARY INFORMATION** for information on how to access the meeting.

FOR FURTHER INFORMATION CONTACT: Guy DuBeck at (301) 427–8503 or Delisse Ortiz at (202) 930–1304.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP), as amended, is implemented by regulations at 50 CFR part 635. Specifics regarding the commercial shark quotas and the shark research fishery can be found at §§ 635.27(b) and 635.32(f).

The final rule for Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 35778, June 24, 2008, corrected at 73 FR

40658, July 15, 2008) established, among other things, a shark research fishery to maintain time-series data for stock assessments and to meet NMFS' research objectives. The shark research fishery gathers important scientific data and allows selected commercial fishermen the opportunity to earn more revenue from selling the sharks caught, including sandbar sharks. Only the commercial shark fishermen selected to participate in the shark research fishery are authorized to land/harvest sandbar sharks subject to the sandbar quota available each year. The 2022 base annual sandbar shark quota is 90.7 mt dressed weight (dw). The selected shark research fishery participants also may fish using the research large coastal shark (§ 635.27(b)(1)(iii)(B)), small coastal shark (§ 635.27(b)(1)(i)(C) and (b)(1)(ii)(D)), and pelagic shark quotas (§ 635.27(b)(1)(iii)(D)) subject to the retention limits at § 635.24.

On November 19, 2021 (86 FR 64909), NMFS published a notice inviting qualified commercial shark directed and incidental permit holders to submit an application to participate in the 2022 shark research fishery. NMFS received seven applications and selected five participants. In order to inform selected participants of this year's specific permit requirements and to ensure all terms and conditions of the permit are met, per the requirements of § 635.32(f)(4), NMFS is holding a mandatory permit holder meeting via conference call and webinar.

Meeting Information

The meeting will be held on March 31, 2022, from 2 to 4 p.m. (EDT). For conference call and webinar information, please go to *https://www.fisheries.noaa.gov/event/public-meeting-2022-shark-research-fishery.*

Selected participants are strongly encouraged to attend. Selected participants who are unable to attend will not be allowed to participate in the shark research fishery until they are able to discuss the terms and conditions of their shark research fishery permit with NMFS staff. Selected participants are encouraged to invite their captain, crew, or anyone else who may assist them in meeting the terms and conditions of the shark research fishery permit to the conference call. Other interested parties may call in and listen to the discussion.

Dated: March 22, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–06354 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2021–0037]

Third Extension of the Modified COVID–19 Prioritized Examination Pilot Program for Patent Applications

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is extending the modified COVID–19 Prioritized Examination Pilot Program, which provides prioritized examination of certain patent applications. Requests that are compliant with the pilot program's requirements and are filed on or before June 30, 2022, will be accepted. The USPTO will evaluate whether to terminate or further extend the program during this extension period.

DATES: The COVID–19 Prioritized Examination Pilot Program is extended as of March 25, 2022, to run until June 30, 2022.

FOR FURTHER INFORMATION CONTACT: Robert A. Clarke, Director, Office of Patent Legal Administration (571–272–7735; *robert.clarke@uspto.gov*).

SUPPLEMENTARY INFORMATION: On May 14, 2020, the USPTO published a notice on the implementation of the COVID–19 Prioritized Examination Pilot Program. *See* COVID–19 Prioritized Examination Pilot Program, 85 FR 28932 (May 14, 2020) (COVID–19 Track One Notice). On September 3, 2021, the USPTO published a notice extending the program to December 31, 2021, and modifying it by removing the limit on the number of patent applications that could receive prioritized examination. *See* Modification of COVID–19 Prioritized Examination Pilot Program, 86 FR 49522 (September 3, 2021). On December 30, 2021, the USPTO published a notice extending the program to March 31, 2022. *See* Extension of the Modified COVID–19 Prioritized Examination Pilot Program, 86 FR 74406 (December 30, 2021) (Second Extension Notice).

The COVID–19 Track One Notice indicated that an applicant may request prioritized examination without payment of the prioritized examination fee and associated processing fee if: (1) The patent application's claim(s) covered a product or process related to COVID–19, (2) the product or process was subject to an applicable Food and Drug Administration (FDA) approval for COVID–19 use, and (3) the applicant met other requirements noted in the COVID–19 Track One Notice. As of February 7, 2022, 225 patents had issued from applications granted prioritized status under the pilot program. The average total pendency, including time consumed by continued examination, from filing date to issue date for those applications was 298 days. The shortest pendency from filing date to issue date for those applications was 75 days.

The Second Extension Notice indicated that the pilot program would expire on March 31, 2022. In the current notice, the USPTO is further extending the pilot program by setting the expiration date as June 30, 2022. The Office will evaluate whether to terminate or further extend the program during this third extension period. If the USPTO determines that an additional extension of the pilot program is appropriate, the agency will publish a subsequent notice to the public.

Unless the pilot program is further extended by a subsequent notice, following the expiration of this extension, the pilot program will be terminated, and patent applicants interested in expediting the prosecution of their patent application may instead seek to use the Prioritized Examination (Track One) Program. Patent applications accorded prioritized examination under the pilot program will not lose that status merely because the application is still pending after the date the pilot program is terminated but will instead retain prioritized examination status until that status is terminated for one or more reasons, as described in the COVID–19 Track One Notice.

The Track One Program permits an applicant to have a patent application advanced out of turn (accorded special status) for examination under 37 CFR 1.102(e) if the applicant timely files a request for prioritized (Track One) examination accompanied by the appropriate fees and meets the other conditions of 37 CFR 1.102(e). *See* Manual of Patent Examining Procedure 708.02(b)(2). The current fee schedule is available at *www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule.*

The Track One Program does not have the restrictions of the COVID–19 Prioritized Examination Pilot Program on the types of inventions for which special status may be sought, as the Track One Program does not require a connection to any particular technology. Moreover, under the Track One Program, an applicant can avoid delays associated with the determination of whether a patent application presents a

claim that covers a product or process related to COVID–19 and whether the product or process is subject to an applicable FDA approval for COVID–19 use.

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–06294 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; International Work Sharing Program

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 14, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: International Work Sharing Program.

OMB Control Number: 0651–0079.

Needs and Uses: The United States Patent and Trademark Office (USPTO) established a Work Sharing Pilot Program in conjunction with the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO) to study how the exchange of search results between offices for corresponding counterpart applications improves patent quality and facilitates the examination of patent applications in both offices. Under this Work Sharing Pilot Program, two Collaborative Search Pilot (CSP) programs—USPTO–JPO and USPTO–KIPO—have been implemented.

Through their respective CSP(s), each office concurrently conducts searches on corresponding counterpart applications. The exchange of information and documents between IP offices benefits applicants by promoting compact prosecution, reducing pendency, and supporting patent quality by reducing the likelihood of inconsistencies in patentability determinations among IP offices when considering corresponding counterpart applications. The gains in efficiency and quality are achieved through a collaborative work sharing approach to the evaluation of patent claims. As a result of this exchange of search reports, the examiners in both offices may have a more comprehensive set of references before them when making an initial patentability determination.

This information collection is comprised of four items: The Petition to Make Special Under the Expanded Collaborative Search Pilot Program; Petition for Participation in the CSP Program Between the JPO and the USPTO; the Petition for Participation in the CSP Program Between the KIPO and the USPTO; and the CSP Survey. The Petitions to Make Special and for Participation are used by patent applicants to request participation in the CSP Program. The CSP Survey is used to collect feedback on the program's value, monitor usage of the program, and to measure the benefits the program provides to participants.

Forms:

- PTO/437 (Petition to Make Special Under the Expanded Collaborative Search Pilot Program)
- PTO/437–JP (Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO)
- PTO/437–KR (Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO)
- PTO/461 (Collaborative Search Pilot Program Survey)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 96 respondents.

Estimated Number of Annual Responses: 190 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 5 minutes (0.08 hours) and 3 hours (240 minutes) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 445 hours.

Estimated Total Annual Respondent Non-Hourly Cost Burden: $0.

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 0651–0079.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov*. Include ''0651–0079 information request'' in the subject line of the message.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–06321 Filed 3–24–22; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to and deleted from the Procurement List:* April 24, 2022

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely

Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404 or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/26/2021 and 1/14/2022, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) and service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and service(s) to the Government.
2. The action will result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
8415–01–610–7322—Work Gloves, Unisex, Anti-Static Impact Control, Black, X-Small
8415–01–610–7323—Work Gloves, Unisex, Anti-Static Impact Control, Black, Medium
8415–01–610–7324—Work Gloves, Unisex, Anti-Static Impact Control, Black, Large
8415–01–610–7325—Work Gloves, Unisex, Anti-Static Impact Control, Black, Small
8415–01–610–7326—Work Gloves, Unisex, Anti-Static Impact Control, Black, Extra-Large
8415–01–610–7327—Work Gloves, Unisex, Anti-Static Impact Control, Black, Extra-Extra-Large
Designated Source of Supply: South Texas Lighthouse for the Blind, Corpus Christi, TX
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI
Distribution: B-List
Mandatory for: Broad Government Requirement

Service(s)

Service Type: Custodial Service
Mandatory for: Federal Aviation Administration, Wilkes-Barre/Scranton International Airport Air Traffic Control Tower and Base Building, Dupont, PA
Designated Source of Supply: Allied Health Care Services, Taylor, PA
Contracting Activity: FEDERAL AVIATION ADMINISTRATION, 697DCK REGIONAL ACQUISITIONS SVCS.

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2022–06332 Filed 3–24–22; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to the procurement list.

SUMMARY: The Committee is proposing to add a product to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: April 24, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
MR 13155—Green Saver Crisper Insert, 2 Piece
Designated Source of Supply: CINCINNATI ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED, Cincinnati, OH
Contracting Activity: Military Resale-Defense Commissary Agency
Distribution: C-List
Mandatory for: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2022–06335 Filed 3–24–22; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 9:30 a.m. EDT, Friday, April 1, 2022.

PLACE: Virtual meeting.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Examinations matters. 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.cftc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Authority: 5 U.S.C. 552b.

Dated: March 23, 2022.

Christopher Kirkpatrick,
Secretary of the Commission.

[FR Doc. 2022–06493 Filed 3–23–22; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2022–0007; OMB Control Number 0704–0250]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; DFARS Part 242, Contract Administration and Related Clause in DFARS 252

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, 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. The Office of Management and Budget (OMB) has approved this information collection for use through May 31, 2022. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by May 24, 2022.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0250, using any of the following methods:

○ *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0250 in the subject line of the message.

Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Johnson, telephone 202–913–5764.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 242; Contract Administration and Related Clause in DFARS 252; OMB Control Number 0704–0250.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Revision of a currently approved collection.

Frequency: On occasion.

Number of Respondents: 292.

Responses per Respondent: 1.

Annual Responses: 292.

Average Burden per Response: 475 hours.

Annual Burden Hours: 138,700.

Reporting Frequency: On Occasion.

Needs and Uses: The Government requires this information in order to perform its contract administration functions. The information required by DFARS contract clause 252.242–7004, Material Management and Accounting System, is used by contracting officers to determine if contractor material management and accounting systems conform to established DoD standards. DFARS clause 252.242–7004 requires a contractor to establish and maintain a material management and accounting system for applicable contracts, disclose significant changes in its system, provide results of system reviews, and respond to any determinations by the Government of significant deficiencies.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2022–06198 Filed 3–24–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: General Counsel of the Department of Defense, Department of Defense (DoD).

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC–IPAD) will take place.

DATES: Open to the public, Thursday, April 21, 2022, from 2:45 p.m. to 5:00 p.m. Eastern Standard Time (EST).

ADDRESSES: This public meeting will be held virtually. Please submit your name, affiliation/organization, telephone number, and email contact information to the Committee at: *whs.pentagon.em.mbx.dacipad@mail.mil* to receive meeting access instructions.

FOR FURTHER INFORMATION CONTACT: Dwight Sullivan, 703–695–1055 (voice), 703–693–3903 (facsimile), *dwight.h.sullivan.civ@mail.mil* (email). Mailing address is DACIPAD, One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, Virginia 22203. Website: *http://dacipad.whs.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: In section 546 of the National Defense Authorization Act for Fiscal Year 2015 (Pub. L. 113–291), as modified by section 537 of the National Defense Authorization Act for Fiscal Year 2016 (Pub. L. 114–92), Congress tasked the DAC–IPAD to advise the Secretary of Defense on the investigation, prosecution, and defense of allegations of rape, forcible sodomy, sexual assault, and other sexual misconduct involving members of the Armed Forces. This will be the twenty-second public meeting held by the DAC–IPAD. After Committee introductions and welcoming comments, the Committee will receive a presentation on recent requested reviews from Congress and the Department of Defense. The Committee will conclude with a strategic planning discussion. Prior to adjourning, the Committee will receive public comments.

Agenda: 2:45 p.m.–3:15 p.m. Welcome and Introduction; 3:15 p.m.–3:45 p.m. Requested Reviews from Congress and the Department of Defense; 3:45 p.m.–4:45 p.m. Committee Deliberations and Planning Discussion; 4:45 p.m.–5:00 p.m. Meeting Wrap-Up and Public Comment; 5:00 p.m. Public Meeting Adjourns.

Meeting Accessibility: Pursuant to 41 CFR 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Committee about its

mission and topics pertaining to this public session. Written comments must be received by the DAC–IPAD at least five (5) business days prior to the meeting date so that they may be made available to the Committee members for their consideration prior to the meeting. Written comments should be submitted via email to the DAC–IPAD at *whs.pentagon.em.mbx.dacipad@mail.mil* in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the DAC–IPAD operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. Oral statements from the public will be permitted, though the number and length of such oral statements may be limited based on the time available and the number of such requests. Oral presentations by members of the public will be permitted from 4:45 p.m.–5:00 p.m. EST on April 21, 2022.

Dated: March 22, 2022.

Kayyonne T. Marston,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2022–06324 Filed 3–24–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board (''DHB'') will take place.

DATES: Open to the public Wednesday, March 30, 2022 from 12:00 p.m. to 4:00 p.m. Eastern time.

ADDRESSES: The meeting will be held by videoconference/teleconference. To participate in the meeting, see the Meeting Accessibility section for instructions.

FOR FURTHER INFORMATION CONTACT: CAPT Gregory H. Gorman, U.S. Navy, 703–275–6060 (voice), *gregory.h.gorman.mil@mail.mil* (email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042. Website: *http://www.health.mil/dhb*. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer, the Defense Health Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its March 30, 2022 meeting of the Defense Health Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C.), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Availability of Materials for the Meeting: Additional information, including the agenda, is available at the DHB website, *http://www.health.mil/dhb*. A copy of the agenda or any updates to the agenda for the March 30, 2022, meeting will be available on the DHB website. Any other materials presented in the meeting may be obtained at the meeting.

Purpose of the Meeting: The DHB provides independent advice and recommendations to maximize the safety and quality of, as well as access to, health care for DoD health care beneficiaries. The purpose of the meeting is to provide briefings to DHB members on current issues related to military medicine and upcoming DHB taskings.

Agenda: The DHB meeting will be called to order and begin with both opening and administrative remarks at noon. At 12:30 p.m., the discussion will move to mental health care access and recess at 1:30 p.m. for a 15 minute break. At 1:45 p.m., the DHB will discuss racial and ethnic health care disparities and then at 2:45 p.m. conclude with a discussion on virtual health in the Military Health System. After closing remarks at 3:45 p.m., the meeting will adjourn at 4:00 p.m. Any changes to the agenda can be found at the link provided in this notice.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public from 12:00 p.m. to 4:00 p.m. on March 30, 2022. The meeting will be held by videoconference/teleconference. The number of participants is limited and is on a first-come basis. All members of the public who wish to participate must register by emailing their name, rank/title, and organization/company to *dha.ncr.dhb.mbx.defense-health-board@mail.mil* or by contacting Ms. Pamela Shell at (703) 275–6012 no later than Monday, March 28, 2022. Once registered, the web address and audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Pamela Shell so that appropriate arrangements can be made.

Written Comments and Statements: Any member of the public wishing to provide comments to the DHB related to its current taskings or mission may do so at any time in accordance with section 10(a)(3) of the FACA, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice. Written statements may be submitted to the DHB's Designated Federal Officer (DFO), Captain Gorman, at *gregory.h.gorman.mil@mail.mil.* Supporting documentation may also be included, to establish the appropriate historical context and to provide any necessary background information. If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting. The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting.

Dated: March 22, 2022.

Kayyonne T. Marston,

Alternate OSD Federal Register, Liaison Officer Department of Defense.

[FR Doc. 2022–06325 Filed 3–24–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review: Comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of the *DOE Loan Guarantees for Energy Projects,* OMB Control Number 1910–5134.

DATES: Comments regarding this collection must be received on or before April 25, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at (202) 881–8585.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Knight Elsberry, *LPO.PaperworkReduction Act.Comments@hq.doe.gov*, (202) 287–6646. The collection instruments can be viewed at: *https://www.energy.gov/lpo/title-17-governing-documents* (Title XVII solicitations); and *https://www.energy.gov/sites/default/files/2020/01/f70/DOE-LPO_TELGP_Solicitation_16Jan20.pdf* (TELGP solicitations).

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5134; (2) *Information Collection Request Title:* DOE Loan Guarantees for Energy Projects; (3) *Type of Request:* Extension; (4) *Purpose:* This information collection package covers collection of information necessary to evaluate applications for loan guarantees submitted under Title XVII of the Energy Policy Act of 2005, as amended, 16516 (Title XVII), 42 U.S.C. 16511, and under Section 2602(c) of the Energy Policy Act of 1992, as amended (TELGP), 25 U.S.C. 3502(c). Applications for loan guarantees submitted to DOE in response to a solicitation under Title XVII or TELGP must contain certain information. This information will be used to analyze whether a project is eligible for a loan guarantee and to evaluate the application under criteria specified in the final regulations implementing Title XVII, located at 10 CFR part 609, and adopted by DOE for purposes of TELGP, with certain immaterial modifications and omissions. The collection of this information is critical to ensure that the government has sufficient information to determine whether applicants meet the eligibility requirements to qualify for a DOE loan guarantee under Title XVII or TELGP, as the case may be, and to provide DOE with sufficient information to evaluate an applicant's project using the criteria specified in 10 CFR part 609 (for Title XVII applications) or the applicable solicitation (for TELGP applications); (5) *Annual Estimated Number of Respondents:* 92; (6) *Annual Estimated Number of Total Responses:* 92; (7) *Annual Estimated Number of Burden Hours:* 12,190; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $2,490,900.

Statutory Authority: Title XVII and TELGP authorize the collection of information.

Signing Authority

This document of the Department of Energy was signed on March 21, 2022, by Jigar Shah, Executive Director, Loan Programs Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 22, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–06307 Filed 3–24–22; 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: EG22–68–000.
Applicants: Kearny Mesa Storage, LLC.
Description: Kearny Mesa Storage, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/18/22.
Accession Number: 20220318–5249.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: EG22–69–000.
Applicants: EnerSmart Murray BESS LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of EnerSmart Murray BESS LLC.
Filed Date: 3/21/22.
Accession Number: 20220321–5107.
Comment Date: 5 p.m. ET 4/11/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1821–004.
Applicants: Panda Stonewall LLC.
Description: Refund Report: Potomac Energy Center, LLC submits tariff filing per 35.19a(b): Refund Report to be effective N/A.
Filed Date: 3/21/22.
Accession Number: 20220321–5033.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER20–1718–003.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing: Compliance and request for extension of time re: Part A Enhancement filing to be effective N/A.
Filed Date: 3/21/22.
Accession Number: 20220321–5145.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER20–1832–002.
Applicants: Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., PJM Interconnection, L.L.C.
Description: Compliance filing: Duke Energy Ohio, Inc. submits tariff filing per 35: DEOK Att. H–22A Compliance with Jan. 20, 2022 Order ER20–1832 to be effective 1/27/2020.
Filed Date: 3/21/22.
Accession Number: 20220321–5144.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER20–1957–001.
Applicants: Gulf Power Company.
Description: Compliance filing: Amendments to Compliance Filing to be effective 1/27/2020.
Filed Date: 3/21/22.
Accession Number: 20220321–5039.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER20–1961–002.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing: Compliance Filing in Response to Order Issued in ER20–1961 (NorthWestern) to be effective 1/27/2020.
Filed Date: 3/21/22.
Accession Number: 20220321–5113.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–725–000.
Applicants: Puget Sound Energy, Inc.
Description: Refund Report: PSE Refund Report PSEM Transmission Service Agreement to be effective N/A.
Filed Date: 3/18/22.
Accession Number: 20220318–5167.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: ER22–827–000.
Applicants: Kentucky Utilities Company.
Description: Refund Report: KU_APCO Borderline Service Rate Compliance Refund Report to be effective N/A.
Filed Date: 3/21/22.
Accession Number: 20220321–5099.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1101–000; ER22–1102–000.
Applicants: Sierra Energy Storage, LLC, Cascade Energy Storage, LLC.
Description: Supplement to February 23, 2022 Cascade Energy Storage, LLC submits tariff filing per 35.12: Application for Market-Based Rate Authority and Requests for Waivers to be effective 2/24/2022.
Filed Date: 3/4/22.
Accession Number: 20220304–5286.
Comment Date: 5 p.m. ET 3/25/22.

Docket Numbers: ER22–1394–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2022–03–18 Amendment No. 1 to JOU Pilot Agreement to be effective 5/3/2022.
Filed Date: 3/18/22.
Accession Number: 20220318–5180.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: ER22–1395–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Transmission Service Agreements SA 244 and SA 278–1 to be effective 5/17/2022.
Filed Date: 3/18/22.
Accession Number: 20220318–5183.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: ER22–1396–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Transmission Agreements to be effective 5/17/2022.
Filed Date: 3/18/22.
Accession Number: 20220318–5186.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: ER22–1396–001.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Update Tariff Records 2 of 3 to be effective 5/17/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5000.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1396–002.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Update TSAs 3 of 3 to be effective 5/17/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5001.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1397–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revisions to Sch. 12-Appx A: Feb. 2022 RTEP, 30-Day Comment Period Requested to be effective 6/16/2022.
Filed Date: 3/18/22.
Accession Number: 20220318–5187.
Comment Date: 5 p.m. ET 4/8/22.

Docket Numbers: ER22–1398–000.
Applicants: NextEra Energy Transmission New York, Inc.
Description: Informational Filing of NextEra Energy Transmission New York's 2021 and 2022 Formula Rate Revenue Requirement Projections.
Filed Date: 3/15/22.
Accession Number: 20220315–5302.
Comment Date: 5 p.m. ET 4/5/22.

Docket Numbers: ER22–1399–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Affiliate Agreements to be effective 5/20/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5048.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1399–001.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Update for eTariff Sequencing to be effective 5/20/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5067.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1401–000.
Applicants: Duke Energy Indiana, LLC.
Description: § 205(d) Rate Filing: 2022 Annual Reconciliation filing—DEI Rate Schedule No. 253 to be effective 7/1/2021.
Filed Date: 3/21/22.
Accession Number: 20220321–5064.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1402–000.
Applicants: Parkway Generation Keys Energy Center LLC.
Description: Compliance filing: Notice of Succession and Submission of New eTariff Baseline and Tariff Revisions to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5073.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1403–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: § 205(d) Rate Filing: 2022–03–21–NSP–GRE–SISA-Kimball-703–0.0.0 to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5083.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1404–000.
Applicants: Parkway Generation Operating LLC.
Description: Compliance filing: Notice of Succession and Submission of New eTariff Baseline and Tariff Revisions to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5096.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1405–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–03–21_SA 3228 IPL–ITC Midwest 2nd Rev GIA (J495) to be effective 3/9/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5100.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1406–000.
Applicants: Parkway Generation Operating LLC.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedules and Service Agreements Tariff to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5102.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1407–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX–BT Cantwell Solar (Arroyo Solar) 1st A&R GIA to be effective 3/4/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5103.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1408–000.
Applicants: Parkway Generation Operating LLC.
Description: Tariff Amendment: Notice of Cancellation of Capacity Interconnection Rights Purchase Agreement to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5104.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1409–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2022–03–21_ATXI Attachment O Transmission Formula Rate to be effective 6/1/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5121.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1410–000.

Applicants: Kentucky Power Company.
Description: § 205(d) Rate Filing: MBR Tariff Filing to be effective 12/31/9998.
Filed Date: 3/21/22.
Accession Number: 20220321–5130.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1411–000.
Applicants: Parkway Generation Keys Energy Center LLC.
Description: Compliance filing: Notice of Succession—Reactive Service Tariff to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5133.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1413–000.
Applicants: Parkway Generation Operating LLC.
Description: Compliance filing: Notice of Succession—Reactive Service Tariff—Essex Generation Station to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5137.
Comment Date: 5 p.m. ET 4/11/22.

Docket Numbers: ER22–1414–000.
Applicants: Parkway Generation Operating LLC.
Description: Compliance filing: Notice of Succession Reactive Service Tariff—Remainder of Generating Facilities to be effective 3/22/2022.
Filed Date: 3/21/22.
Accession Number: 20220321–5141.
Comment Date: 5 p.m. ET 4/11/22.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC22–1–000.
Applicants: I Squared Capital.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Conrad Companies.
Filed Date: 3/18/22.
Accession Number: 20220318–5237.
Comment Date: 5 p.m. ET 4/8/22.

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: March 21, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–06303 Filed 3–24–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–708–000.
Applicants: TransCameron Pipeline, LLC.
Description: Operational Purchases and Sales Report and Waiver Request of TransCameron Pipeline, LLC.
Filed Date: 3/18/22.
Accession Number: 20220318–5193.
Comment Date: 5 p.m. ET 3/30/22.

Docket Numbers: RP22–709–000.
Applicants: TransCameron Pipeline, LLC.
Description: Annual Fuel Reimbursement Filing and Waiver Request of TransCameron Pipeline, LLC.
Filed Date: 3/18/22.
Accession Number: 20220318–5197.
Comment Date: 5 p.m. ET 3/30/22.

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: RP17–598–005.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing: GLGT RP17–598 Amended & Restated Settlement Filing to be effective N/A.
Filed Date: 3/18/22.
Accession Number: 20220318–5097.
Comment Date: 5 p.m. ET 3/30/22.

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: March 21, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–06304 Filed 3–24–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Proposed Rate Adjustment, Public Forum, and Opportunities for Public Review and Comment for Georgia-Alabama-South Carolina System of Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of proposed rate.

SUMMARY: Southeastern Power Administration (Southeastern) proposes to revise existing schedules of rates and charges applicable to the sale of power from the Georgia-Alabama-South Carolina System of Projects effective for a 5-year period, October 1, 2022, through September 30, 2027. Additionally, opportunities will be available for interested persons to review the present rates and the proposed rates and supporting studies, to participate in a public forum and to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before June 23, 2022. A public information and comment forum will be held in Atlanta, Georgia at 2:00 p.m. EDT on April 26, 2022. Persons desiring to attend the forum should notify Southeastern by April 19, 2022, so a list of forum participants can be prepared. Persons desiring to speak at the forum should specify this in their notification to Southeastern; others may speak if time permits. Notifications should be submitted by Email to *Comments@sepa.doe.gov.* If Southeastern has not been notified by close of business on April 19, 2022, that at least one person intends to be present at the forum, the forum may be canceled with no further notice.

ADDRESSES: Written comments should be submitted to: Administrator,

Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635–6711; Email: *Comments@sepa.doe.gov.* The public information and comment forum for the Georgia-Alabama-South Carolina System of Projects will take place at the Atlanta Airport Marriott, 4711 Best Road, Atlanta, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Alexa Webb, Public Utilities Specialist, Southeastern Power Administration, Department of Energy, 1166 Athens Tech Road, Elberton, Georgia 30635, (706) 213–3800; Email: *Alexa.Webb@sepa.doe.gov.*

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (FERC) confirmed and approved on a final basis Wholesale Power Rate Schedules SOCO–1–F, SOCO–2–F, SOCO–3–F, SOCO–4–F, ALA–1–O, Duke–1–F, Duke–2–F, Duke–3–F, Duke–4–F, Santee–1–F, Santee–2–F, Santee–3–F, Santee–4–F, SCE&G–1–F, SCE&G–2–F, SCE&G–3–F, SCE&G–4–F, Pump–1–A, and Replacement–1 applicable to Georgia-Alabama-South Carolina System of Projects' power for a period ending September 30, 2022. (FERC Docket No. EF17–5–000; 162 FERC ¶ 62,059 (Jan. 25, 2018)).

Discussion: The Georgia-Alabama-South Carolina System (System) consists of ten projects in or on the border of the states of Georgia, Alabama, and South Carolina. The power generated at these projects is purchased by and benefits 192 preference customers in Alabama, Florida, Georgia, Mississippi, South Carolina, and North Carolina. The System provides 2,184,257 kilowatts of capacity and about 3,383,000 MWh of average annual energy from stream-flow based on modeling for the period of record.

Existing rate schedules are predicated upon a February 2017 repayment study and other supporting data. A repayment study prepared in January of 2022 shows a two percent (2%) increase in the revenue requirement is necessary due to an increase in forecast transmission service purchase costs. The revenue requirement is $203,650,000 per year. Southeastern is proposing to revise the existing rate schedules to generate this revenue. The proposed rate adjustment is a reduction of about one percent (1%) in the rates for capacity and an increase in the energy rate of about four percent (4%).

Southeastern is proposing the following rate schedules to be effective for the period from October 1, 2022 through September 30, 2027.

Rate Schedule SOCO–1–G

Available to public bodies and cooperatives in Georgia, Alabama, Mississippi, and Florida to whom power may be wheeled and scheduled pursuant to contracts between the Government and Southern Company Services, Incorporated.

Rate Schedule SOCO–2–G

Available to public bodies and cooperatives in Georgia, Alabama, Mississippi, and Florida to whom power may be wheeled pursuant to contracts between the Government and Southern Company Services, Incorporated. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule SOCO–3–G

Available to public bodies and cooperatives in Georgia, Alabama, Mississippi, and Florida to whom power may be scheduled pursuant to contracts between the Government and Southern Company Services, Incorporated. The customer is responsible for providing a transmission arrangement.

Rate Schedule SOCO–4–G

Available to public bodies and cooperatives in Georgia, Alabama, Mississippi, and Florida served through the transmission facilities of Southern Company Services, Inc. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule Duke–1–G

Available to public bodies and cooperatives in North Carolina and South Carolina to whom power may be wheeled and scheduled pursuant to contracts between the Government and Duke Power Company.

Rate Schedule Duke–2–G

Available to public bodies and cooperatives in North Carolina and South Carolina to whom power may be wheeled pursuant to contracts between the Government and Duke Power Company. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule Duke–3–G

Available to public bodies and cooperatives in North Carolina and South Carolina to whom power may be scheduled pursuant to contracts between the Government and Duke Power Company. The customer is responsible for providing a transmission arrangement.

Rate Schedule Duke–4–G

Available to public bodies and cooperatives in North Carolina and South Carolina served through the transmission facilities of Duke Power Company. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule Santee–1–G

Available to public bodies and cooperatives in South Carolina to whom power may be wheeled and scheduled pursuant to contracts between the Government and South Carolina Public Service Authority.

Rate Schedule Santee–2–G

Available to public bodies and cooperatives in South Carolina to whom power may be wheeled pursuant to contracts between the Government and South Carolina Public Service Authority. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule Santee–3–G

Available to public bodies and cooperatives in South Carolina to whom power may be scheduled pursuant to contracts between the Government and South Carolina Public Service Authority. The customer is responsible for providing a transmission arrangement.

Rate Schedule Santee–4–G

Available to public bodies and cooperatives in South Carolina served through the transmission facilities of South Carolina Public Service Authority. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule SCE&G–1–G

Available to public bodies and cooperatives in South Carolina to whom power may be wheeled and scheduled pursuant to contracts between the Government and Dominion Energy South Carolina, Inc.

Rate Schedule SCE&G–2–G

Available to public bodies and cooperatives in South Carolina to whom power may be wheeled pursuant to contracts between the Government and Dominion Energy South Carolina, Inc. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule SCE&G–3–G

Available to public bodies and cooperatives in South Carolina to whom

power may be scheduled pursuant to contracts between the Government and Dominion Energy South Carolina, Inc. The customer is responsible for providing a transmission arrangement.

Rate Schedule SCE&G–4–G

Available to public bodies and cooperatives in South Carolina served through the transmission facilities of Dominion Energy South Carolina, Inc. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule Pump–1–A

Available to all customers of the Georgia-Alabama-South Carolina System and applicable to energy from pumping operations at the Carters and Richard B. Russell projects.

Rate Schedule Replacement–1

Available to all customers in the Georgia-Alabama-South Carolina System and applicable to replacement energy.

The proposed rates for capacity, energy, and generation services are as follows:

Capacity	$4.04	per kilowatt (kW) per month.
Energy	12.80	mills per kilowatt-hour.
Generation Services	$0.12	per kW per month.

Under this scenario, 75 percent of generation revenues are recovered from capacity sales and 25 percent are recovered from energy sales. These rates are expected to produce an average revenue of $203,595,000 in FY 2023 and all future years.

The rates for transmission, scheduling, reactive supply, and regulation and frequency response apply to all four scenarios and are illustrated in Table 1.

SOUTHEASTERN POWER ADMINISTRATION PROPOSED RATES FOR TRANSMISSION SCHEDULING, REACTIVE, AND REGULATION CHARGES

Rate schedule	Transmission charge	Scheduling charge	Reactive charge	Regulation charge
	$/kW/month	$/kW/month	$/kW/month	$/kW/month
SOCO–1–G	4.08	0.0806	0.11	0.0483
SOCO–2–G	4.08		0.11	
SOCO–3–G		0.0806		0.0483
SOCO–4–G				
Duke–1–G	1.51			
Duke–2–G	1.51			
Duke–3–G				
Duke–4–G				
Santee–1–G	1.88			
Santee–2–G	1.88			
Santee–3–G				
Santee–4–G				
SCE&G–1–G	5.07			
SCE&G–2–G	5.07			
SCE&G–3–G				
SCE&G–4–G				
Pump–1–A				
Replacement–1				

The referenced repayment studies are available for examination at 1166 Athens Tech Road, Elberton, Georgia 30635–6711. Proposed Rate Schedules SOCO–1–G, SOCO–2–G, SOCO–3–G, SOCO–4–G, Duke–1–G, Duke–2–G, Duke–3–G, Duke–4–G, Santee–1–G, Santee–2–G, Santee–3–G, Santee–4–G, SCE&G–1–G, SCE&G–2–G, SCE&G–3–G, SCE&G–4–G, Pump–1–A, and Replacement–1 are also available.

Legal Authority: By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated to Southeastern's Administrator the authority to develop power and transmission rates, to the Deputy Secretary of Energy the authority to confirm, approve, and place such rates into effect on an interim basis, and to FERC the authority to confirm, approve, and place into effect on a final basis, or to disapprove, rates developed by the Administrator under the delegation. By Delegation Order No. S1–DEL–S4–2021–2, effective December 8, 2021, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary for Science (and Energy). By Redelegation Order No. S4–DEL–OE1–2021–2, also effective December 8, 2021, the Under Secretary for Science (and Energy) redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–03, effective July 8, 2020, the Assistant Secretary for Electricity further redelegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Administrator, Southeastern Power Administration. This redelegation order, despite predating the December 2021 delegations, remains valid. This rate is proposed by the Administrator, Southeastern Power Administration, pursuant to the authority delegated in Delegation Order No. 00–037.00B.

Environmental Impact: Southeastern has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded that, because the adjusted rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, as

amended, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Determination Under Executive Order 12866: Southeastern has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Signing Authority

This document of the Department of Energy was signed on March 22, 2022, by Virgil G. Hobbs III, Administrator for Southeastern Power Administration, pursuant to delegated authority from the Secretary of Energy. That document, with the original signature and date, is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 22, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–06305 Filed 3–24–22; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0557–0001; FRL–9618–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Part 70 State Operating Permit Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Part 70 State Operating Permit Program (EPA ICR Number 1587.15, OMB Control Number 2060–0243) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested via the **Federal Register** on August 31, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 25, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2021–0557–0001, to EPA online using *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be confidential business information or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Corey Sugerik, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–05, Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–3223; fax number: (919) 541–5509; email address: *sugerik.corey@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC.

Abstract: Title V of the Clean Air Act (Act) requires states to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of ''major'' and certain other non-major sources that are subject to federal air quality regulations. The Act further requires the EPA to develop regulations that establish the minimum requirements for those state operating permits programs and to oversee implementation of the state programs. The EPA regulations setting forth requirements for the state operating permit program are found at 40 CFR part 70. The part 70 program is designed to be implemented primarily by state, local and tribal permitting authorities in all areas where they have jurisdiction.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that its facility meets all applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the 40 CFR part 70 ICR.

Under 40 CFR part 70, state, local and tribal permitting authorities review permit applications, provide for public review of proposed permits, issue permits based on consideration of all technical factors and public input and review information submittals required of sources during the term of the permit. Also, under 40 CFR part 70, the EPA reviews certain actions of the permitting authorities and provides oversight of the programs to ensure that they are being adequately implemented and enforced. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal, state, local and tribal permitting authorities to adequately review the permit applications and thereby properly administer and manage the program.

Information that is collected is handled according to the EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Form Numbers: None.

Respondents/affected entities: Industrial plants (sources); state, local and tribal permitting authorities.

Respondent's obligation to respond: Mandatory (*see* 40 CFR part 70).

Estimated number of respondents: 14,201 sources and 117 state, local and tribal permitting authorities.

Frequency of response: On occasion.

Total estimated burden: 4,756,110 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $345,079,951 (per year). There are no annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 17,186 hours per year for the estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to updated estimates of the number of sources and permits subject to the part 70 program, rather than any change in federal mandates.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–06348 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–009]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed March 14, 2022 10 a.m. EST Through March 21, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220036, Final, FERC, WY, Clear Creek Expansion Project, Review Period Ends: 04/25/2022, Contact: Office of External Affairs 866–208–3372

EIS No. 20220037, Final, USN, MD, Testing and Training Activities in the Patuxent River Complex, Review Period Ends: 04/25/2022, Contact: Crystal Ridgell 301–757–5282

EIS No. 20220038, Final, FERC, WI, Wisconsin Access Project, Review Period Ends: 04/25/2022, Contact: Office of External Affairs 866–208–3372

EIS No. 20220039, Final Supplement, AFRH, DC, Armed Forces Retirement Home Master Plan Update, Review Period Ends: 04/25/2022, Contact: Justin Seffens 202–541–7548

Dated: March 21, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–06302 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0085; FRL–9696–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Radionuclides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Radionuclides (EPA ICR Number 1100.17, OMB Control Number 2060–0191) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act . This is a proposed extension of the ICR, which is currently approved through May 31, 2022. In addition, the Agency proposes the consolidation of this ICR with OMB Control Number 2060–0706, which was established to address the information collection requirements created by the revisions to NESHAP subpart W in 2017. All information collection required would then be included in a single ICR, together with the information collection requirements of subparts B, K, and R. Public comments were previously requested via the **Federal Register** on October 4, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 25, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2003–0085, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Walsh, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9238; fax number: 202–343–2304; email address: *walsh.jonathan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: On December 15, 1989, pursuant to Section 112 of the Clean Air Act as amended in 1977 (42 U.S.C. 1857), the Environmental Protection Agency (EPA) promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations to control radionuclide emissions from several source categories. The regulations are codified at 40 CFR part 61. Of the eight subparts (B, H, I, K, Q, R, T and W) included in the 1989 rule, as currently amended, four apply to privately-operated facilities. In addition to requiring operational practices that limit emissions, subparts B, K, R, and W impose radionuclide dose and/or emission limits, respectively, to underground uranium mines, elemental phosphorous plants, phosphogypsum stacks, and uranium mill tailings impoundments. Facilities must inspect impoundments, measure radionuclide emissions, perform analyses or calculations per EPA procedures, and report the results to the EPA.

Information collected is used by the EPA to ensure that public health and the environment continue to be protected from the hazards of airborne radionuclides by compliance with these standards. Compliance is demonstrated through emissions testing and dose calculation when appropriate.

Form Numbers: None.

Respondents/affected entities: The North American Industry Classification

System (NAICS) codes of facilities associated with the activity of the respondents are: (1) Elemental Phosphorous—325180, (2) Phosphogypsum Stacks—212392, (3) Underground Uranium Mines—212291, and (4) Uranium Mill Tailings—212291.

Respondent's obligation to respond: Mandatory (CAA, Sec, 112; 40 CFR part 61).

Estimated number of respondents: 25 (total).

Frequency of response: Monthly, annual, or one-time depending on the source category and respondent activity.

Total estimated burden: 4,146 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $632,392 (per year), which includes $338,600 annualized capital or operation and maintenance costs.

Changes in the Estimates: Total estimated respondent hours increased from 1,880 hours in the previous approved version of this ICR to 4,146. The primary source of this increase was the consolidation of this ICR with ICR 2060–0706. 1,806 hours of burden that were approved by OMB in 2021 for ICR 2060–0706 were added. Additionally, while no Subpart B facilities were reporting at the time of the last renewal in 2018, the Agency identified two respondents that are likely to submit annual reports in 2021. These two responses were added to the ICR, adding 460 hours of labor and $10,600 of non-labor cost to the burden that was approved in 2019. For Subparts K, R, and W, there were no changes to the number of respondents, the annual time burden, or the annual non-labor cost compared to the most recent approvals of these ICRs. The requested burden reflects the sum of the two ICRs that are being consolidated.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–06351 Filed 3–24–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX; FR ID 78288]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and 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. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; 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; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 24, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *nicole.ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Required Disclosure of Exclusive Marketing Arrangements in MTEs, Rule Sections 64.2500(e) and 76.2000(d).

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 515 respondents; 24,000,000 responses.

Estimated Time per Response: 3 hours.

Frequency of Response: Third-party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 201(b) and 628(b).

Total Annual Burden: 1,545 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked.

Needs and Uses: The Commission is requesting Office of Management and Budget (OMB) approval for an initial three-year term for this new information collection. In *Improving Competitive Broadband Access to Multiple Tenant Environments,* GN Docket No. 17–142, Report and Order and Declaratory Ruling, FCC 22–12 (Feb. 11, 2022), the Commission, among other things, adopted new rules requiring providers (common carriers and multichannel video programming distributors (MVPDs) subject to 47 U.S.C. 628(b)) to disclose the existence of exclusive marketing arrangements that they have with owners of multi-tenant premises (MTEs). An exclusive marketing arrangement is an arrangement, either written or in practice, between an MTE owner and a provider that gives the provider, usually in exchange for some consideration, the exclusive right to certain means of marketing its service to tenants of the MTE. The required disclosure must be included on all written marketing material from the provider directed at tenants or prospective tenants of an MTE subject to the arrangement. The disclosure must explain in clear, conspicuous, legible, and visible language that the provider has the right to exclusively market its communications services to tenants in the MTE, that such a right does not suggest that the provider is the only entity that can provide communications services to tenants in the MTE, and that service from an alternative provider may be available. The purposes of the compelled disclosure are to remedy tenant confusion regarding the impact of exclusive marketing arrangements, prevent the evasion of our exclusive access rules, and, in turn, promote competition for communications services in MTEs.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–06353 Filed 3–24–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2022–N–4]

Privacy Act of 1974; System of Records

AGENCY: Federal Housing Finance Agency.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, (Privacy Act), the Federal Housing Finance Agency (FHFA or Agency) is proposing to modify the current FHFA system of records titled, ''FHFA–18, Reasonable Accommodation and Personal Assistance Services Information System'' (System) in order to collect information related to sincerely held religious beliefs, practices, or observances when necessary to evaluate requests for religious accommodations. FHFA is also publishing this revised system of records to reflect updates to the authorities and to expand the system's purpose, scope of categories of individuals, categories of records, and record source categories. FHFA is also proposing to modify certain routine uses, and make general and administrative updates to the remaining sections in the System.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the modified system of records will go into effect without further notice on March 25, 2022, unless otherwise revised pursuant to comments received. The modified routine uses will go into effect on April 25, 2022. Comments must be received on or before April 25, 2022. FHFA will publish a new notice if the effective date is delayed in order for the Agency to review the comments or if changes are made based on comments received.

ADDRESSES: Submit comments to FHFA, identified by ''No. 2022–N–4,'' using any one of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comments to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Please include ''Comments/No. 2022–N–4,'' in the subject line of the message.
- *Hand Delivered/Courier:* The hand delivery address is: Clinton Jones, General Counsel, Attention: Comments/No. 2022–N–4, Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The package should be delivered to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m., EST. For *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Clinton Jones, General Counsel, Attention: Comments/No. 2022–N–4, Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. *Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.*

See **SUPPLEMENTARY INFORMATION** for additional information on submission and posting of comments.

FOR FURTHER INFORMATION CONTACT: Stacy Easter, Privacy Act Officer, *privacy@fhfa.gov* or (202) 649–3803; or Tasha Cooper, Senior Agency Official for Privacy, *privacy@fhfa.gov* or (202) 649–3091 (not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA seeks public comments on the revision(s) to the system of records and will take all comments into consideration. *See* 5 U.S.C. 552a(e)(4) and (11). In addition to referencing ''Comments/No. 2022–N–4,'' please reference ''FHFA–18, Reasonable Accommodation and Personal Assistance Services Information System.''

FHFA will make all comments timely received available for examination by the public through the electronic comment docket for this notice, which is located on the FHFA website at *http://www.fhfa.gov.* All comments received will be posted without change and will include any personal information you provide, such as name, address (mailing and email), telephone numbers, and any other information you provide.

II. Introduction

This notice informs the public of FHFA's proposed revision(s) to an existing system of records. This notice satisfies the Privacy Act requirement that an agency publishes a system of records notice in the **Federal Register** when there is an addition or change to an agency's systems of records. Congress has recognized that application of all requirements of the Privacy Act to certain categories of records may have an undesirable and often unacceptable effect upon agencies in the conduct of necessary public business. Consequently, Congress established general exemptions and specific exemptions that could be used to exempt records from provisions of the Privacy Act. Congress also required that exempting records from provisions of the Privacy Act would require the head of an agency to publish a determination to exempt a record from the Privacy Act as a rule in accordance with the Administrative Procedure Act. Records and information in this system of records are not exempt from the requirements of the Privacy Act.

As required by the Privacy Act, 5 U.S.C. 552a(r), and pursuant to section 7 of Office of Management and Budget (OMB) Circular No. A–108, ''*Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*'', prior to publication of this notice, FHFA submitted a report describing the system of records covered by this notice to the OMB, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

III. Revised Systems of Records

The revised system of records notice is set out in its entirety and described in detail below. The proposed modification to the System makes the following substantive and nonsubstantive changes:

(1) Adds new authorities, revises the purpose, and expands the categories of individuals covered by the system, the categories of records in the system, and the records source categories, to allow FHFA to collect and maintain information required to process religious accommodation requests provided for under Title VII of the Civil Rights Act of 1964 (CRA), as amended.

(2) Revises existing routine uses language to be consistent with FHFA's standard routine uses, deletes routine use 7, and merges routine uses 13 and 14.

(3) Updates the Security Classification section as Controlled Unclassified due to FHFA's transition to a controlled unclassified information policy to align with the National Archives and Records Administration (NARA).

(4) Makes other general and administrative updates to the remaining

sections of the notice in accordance with the OMB Circular A–108.

Information in this System is used to collect, maintain, evaluate, approve, deny, and/or implement requests for a reasonable accommodation or personal assistance services under sections 501, 504, and 701 of the Rehabilitation Act of 1973; 29 CFR part 1630; the Americans with Disabilities Act (ADA) Amendments of 2008; Title VII of the Civil Rights Act of 1964; and 29 CFR part 1605.

In addition, the System tracks and reports to appropriate entities the processing of requests for reasonable accommodation and personal assistance services to ensure compliance with applicable laws and regulations, and to preserve and maintain the confidentiality of medical and religious information.

SYSTEM NAME AND NUMBER:

Reasonable Accommodation and Personal Assistance Services Information System, FHFA–18.

SECURITY CLASSIFICATION:

Controlled Unclassified Information.

SYSTEM LOCATION:

Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219, and any alternate work site used by employees of FHFA, including contractors assisting agency employees, FHFA-authorized cloud service providers, and FHFA-authorized contractor networks located within the Continental United States.

SYSTEM MANAGER(S):

Office of Human Resources Management, Employee Relations and Benefits, Senior Human Resources Specialist, (202) 649–3807, Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219, and any alternate work site utilized by employees of the Federal Housing Finance Agency or by individuals assisting such employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Rehabilitation Act of 1973 (29 U.S.C. 791); 29 CFR part 1630; Executive Orders 13163, 13164 and 13548; Equal Employment Opportunity Commission (EEOC) Policy Guidance on Executive Order 13164; EEOC Enforcement Guidance: Application of the Americans with Disabilities Act (ADA) to Contingent Workers Placed by Temporary Agencies and Other Staffing Firms; Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e); and 29 CFR part 1605.

PURPOSE(S) OF THE SYSTEM:

The purpose(s) of the System is to:

(1) Allow FHFA to collect and maintain records on applicants for employment, employees (including former employees), and others who request or receive a reasonable accommodation under sections 501, 504, and 701 of the Rehabilitation Act of 1973, as amended, and under the ADA Amendments of 2008, and on employees and others who request or receive personal assistance services under section 501, as amended, of the Rehabilitation Act of 1973;

(2) Allow FHFA to collect and maintain records on applicants for employment, employees (including former employees), and others with sincerely held religious beliefs, practices, or observances who request or receive an accommodation pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e) and 29 CFR part 1605;

(3) Track and report to appropriate entities the processing of requests for reasonable and religious accommodations and personal assistance services to ensure compliance with applicable laws and regulations;

(4) Preserve and maintain the confidentiality of medical and religious information.; and

(5) Evaluate, approve, deny, and/or implement a request for religious and reasonable accommodation or personal assistance service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment, employees (current and former), and any other individuals who request and/or receive a reasonable accommodation under sections 501, 504, and 701 of the Rehabilitation Act of 1973 and under the ADA Amendments of 2008; employees who request or receive personal assistance services under section 501, as amended, of the Rehabilitation Act; and employees who request and/or receive a reasonable accommodation for a sincerely held religious belief, practice, or observance under Title VII of the Civil Rights Act of 1964 and 29 CFR part 1605, respectively. This also includes authorized individuals or representatives (*e.g.,* family member or attorney) who file requests for a reasonable accommodation on behalf of an applicant for employment, or who file requests for reasonable accommodations or personal assistance services on behalf of an employee, or other individual, as well as former employees who requested or received reasonable accommodations or personal assistance services during their employment with FHFA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include requester's name, contact information (*i.e.,* address, telephone number, email address and any other information provided), or other unique identifier; requester's authorized representative's name and contact information (*i.e.,* address, telephone number, email address and any other information provided); requester's status (*i.e.,* applicant, employee, or other); request date; job(s) (occupational series, grade level, and agency component) for which a reasonable accommodation or personal assistance service had been requested; other reasons for requesting a reasonable accommodation or personal assistance service; information concerning a sincerely held religious belief, practice, or observance and/or the nature of any religious accommodation request; information concerning the nature of any disability and the need for accommodation or assistance; appropriate medical or other documentation provided in support of the request; details of a reasonable accommodation or personal assistance service request to include: Type(s) of accommodation or assistance requested; whether the accommodation requested was pre-employment or during employment, or for some other reason; whether the assistance requested was during employment; how the requested accommodation would assist the individual in applying for a job, how the requested accommodation or assistance would assist the individual in performing current job functions, or meeting some other need/requirement; the amount of time taken to process the request; whether the request was granted or denied and, if denied, the reason for the denial; and the sources of any assistance consulted in trying to identify possible reasonable accommodations or providing personal assistance services.

RECORD SOURCE CATEGORIES:

Information is provided by applicants for employment, employees, other individuals requesting a religious accommodation, reasonable accommodation, personal assistance service, or and/or their authorized representatives, as well as individuals who are responsible for processing such requests. For any of the individuals above who are minors, the information may be provided by the individual's parent or legal custodian.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside of FHFA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows, to the extent such disclosures are compatible with the purposes for which the information was collected:

(1) To appropriate agencies, entities, and persons when—(a) FHFA suspects or has confirmed that there has been a breach of the system of records; (b) FHFA has determined that as a result of a suspected or confirmed breach there is a risk of harm to individuals, FHFA (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons as are reasonably necessary to assist with FHFA's efforts to respond to a suspected or confirmed breach or to prevent, minimize, or remedy harm.

(2) To another federal agency or federal entity, when FHFA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or; (b) 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.

(3) When there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, tribal, foreign or a financial regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto.

(4) To any individual during the course of any inquiry or investigation conducted by FHFA, or in connection with civil litigation, if FHFA has reason to believe that the individual to whom the record is disclosed may have further information about the matters related thereto, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

(5) To any individual with whom FHFA contracts to collect, store, or maintain, or reproduce, by typing, photocopy or other means, any record within this system for use by FHFA and its employees in connection with their official duties, or to any individual who is engaged by FHFA to perform clerical or stenographic functions relating to the official business of FHFA.

(6) To members of advisory committees that are created by FHFA or by Congress to render advice and recommendations to FHFA or to Congress, to be used solely in connection with their official, designated functions.

(7) To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

(8) To consultants, contractor personnel, entities, vendors or suppliers, employees of other government agencies, whether federal, state or local, as necessary to make a decision on a request for accommodation or to implement the decision.

(9) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena from a court of competent jurisdiction, and when FHFA determines that the records are both relevant and necessary to the litigation.

(10) To another federal agency or commission with responsibility for labor or employment relations or other issues, including equal employment opportunity and reasonable accommodation or personal assistance service issues, when that agency or commission has jurisdiction over reasonable accommodation or personal assistance service.

(11) To the Office of Management and Budget, Department of Justice (DOJ), Department of Labor, Office of Personnel Management, Equal Employment Opportunity Commission, Office of Special Counsel, Merit Systems Protection Board or other federal agencies to obtain advice regarding statutory, regulatory, policy, and other requirements related to reasonable accommodation or personal assistance service.

(12) To appropriate third parties contracted by FHFA to facilitate mediation or other dispute resolution procedures or programs.

(13) To another federal agency or entity authorized to procure assistive technologies and services in response to a request for reasonable accommodation.

(14) To outside counsel contracted by FHFA, DOJ, (including United States Attorney Offices), or other federal agencies conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

a. FHFA;

b. Any employee of FHFA in his/her official capacity;

c. Any employee of FHFA in his/her individual capacity when DOJ or FHFA has agreed to represent the employee; or

d. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and FHFA determines that the records are both relevant and necessary to the litigation.

(15) To the National Archives and Records Administration or other federal agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

(16) To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic or paper format. Electronic records are stored on FHFA's secured network, FHFA-authorized cloud service providers and FHFA-authorized contractor networks located within the Continental United States. Paper records are stored in locked offices, locked file rooms, and locked file cabinets or safes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by an individual's name or some other unique identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained and disposed of in accordance with National Archives and Records Administration (NARA's) General Records Schedule 2.3, Item 020 and FHFA's Comprehensive Records Schedule, Item 5.3 Human Resources Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are maintained in controlled access areas. Electronic records are

protected by restricted access procedures, including user identifications and passwords. Only FHFA staff (and FHFA contractors assisting such staff) whose official duties require access are allowed to view, administer, and control these records.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification of any records about themselves contained in this system should address their inquiry to the Privacy Act Officer, via email to *privacy@fhfa.gov* or by mail to the Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219, or in accordance with the procedures set forth in 12 CFR part 1204. *Please note that all mail sent to FHFA via the U.S. Postal Service is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.*

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The system of records was last published in full in the **Federal Register** at 83 FR 43677 (August 27, 2018).

Clinton Jones,

General Counsel, Federal Housing Finance Agency.

[FR Doc. 2022–06310 Filed 3–24–22; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL MARITIME COMMISSION

Notice of Intent To Terminate

The Commission gives notice that it intends to terminate the following agreement pursuant to 46 CFR 501.17(h)(2) thirty days from publication of this notice.

Agreement No.: 012022.

Agreement Name: Discovery Cruise Line/Bernuth Lines Space Charter and Sailing Agreement.

Reason for termination: Parties no longer registered Vessel Operating Common Carriers.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1866.

Dated: March 22, 2022.

William Cody,

Secretary.

[FR Doc. 2022–06308 Filed 3–24–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1765]

Framework for the Supervision of Insurance Organizations; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notification of extension of comment period.

SUMMARY: On February 4, 2022, the Board of Governors of the Federal Reserve System (Board), published in the **Federal Register** a proposed supervisory framework for depository institution holding companies that are significantly engaged in insurance activities, or supervised insurance organizations. The Board has determined that an extension of the comment period until May 5, 2022, is appropriate, and is therefore making that extension.

DATES: Comments must be received by May 5, 2022.

ADDRESSES: You may submit comments by any of the methods identified in the proposal.

FOR FURTHER INFORMATION CONTACT: Thomas Sullivan, Senior Associate Director, (202) 475–7656; Matt Walker, Manager, (202) 872–4971; Brad Roberts, Lead Insurance Policy Analyst, (202) 452–2204; or Joan Sullivan, Senior Insurance Policy Analyst, (202) 912–4670, Division of Supervision and Regulation; or Charles Gray, Deputy General Counsel, (202) 872–7589; Andrew Hartlage, Senior Counsel, (202) 452–6483; or Christopher Danello, Senior Attorney, (202) 736–1960, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For users of TTY–TRS, please call 711 from any telephone, anywhere in the United States.

SUPPLEMENTARY INFORMATION: On February 4, 2022, the Board published in the **Federal Register** a proposed supervisory framework for depository institution holding companies that are significantly engaged in insurance activities, or supervised insurance organizations.[1] The proposed framework would provide a supervisory approach that is designed specifically to reflect the differences between banking and insurance. Within the framework, the application of supervisory guidance and the assignment of supervisory resources would be based explicitly on a supervised insurance organization's complexity and individual risk profile. The proposed framework would formalize the ratings applicable to these firms with rating definitions that reflect specific supervisory requirements and expectations. It would also emphasize the Board's policy to rely to the fullest extent possible on work done by other relevant supervisors, describing, in particular, the way it will rely more fully on reports and other supervisory information provided by state insurance regulators to minimize the burden associated with supervisory duplication.

The notice of proposed guidance stated that the comment period would close on April 5, 2022. The Board subsequently received a request to extend the comment period. An extension of the comment period will provide additional opportunity for the public to consider the proposal and prepare comments, including to address the questions posed by the Board in the proposal. Therefore, the Board is extending the end of the comment period for the proposal from April 5, 2022, to May 5, 2022.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, March 21, 2022.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022–06286 Filed 3–24–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 87 FR 6537 (February 4, 2022).

FEDERAL TRADE COMMISSION

[File No. X170045]

Electronic Payment Systems, LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 25, 2022.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Electronic Payment Systems, LLC; File No. X170045'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Jody Goodman (202–326–3096), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 25, 2022. Write ''Electronic Payment Systems, LLC; File No. X170045'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Due to the COVID–19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Electronic Payment Systems, LLC; File No. X170045'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580. If possible, submit your paper comment to the Commission by overnight service.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 25, 2022. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Electronic Payment Systems, LLC, also d/b/a EPS, Electronic Payment Transfer, LLC, also d/b/a EPS, John Dorsey, and Thomas McCann (''EPS'').

The Commission has placed the proposed Order on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed Order.

Respondent Electronic Payment Systems, LLC is an independent sales organization (''ISO'') that serves as an intermediary between merchants seeking to open credit card merchant accounts and its acquiring bank, which is the bank that has access to the credit card networks. John Dorsey and Thomas McCann are officers and the owners of EPS.

The Commission's proposed Complaint alleges that, in 2012 and 2013, EPS served as the ISO for the entities involved in a deceptive telemarketing scam called Money Now Funding (''MNF'' or ''MNF scam''). The FTC sued MNF in 2013 for telemarketing worthless business opportunities to consumers and falsely promising that consumers would earn thousands of dollars in income. The principals of the MNF scam went to great lengths to hide their identities behind many phony businesses. In order to charge consumers' credit cards but make it difficult to trace the money back to MNF, MNF engaged in a credit card laundering scheme whereby its principals and employees created numerous fictitious companies. Those fictitious companies, through a sales agent, submitted applications for merchant accounts to EPS. With knowledge of the misconduct, EPS then opened merchant accounts in the names

of these fictitious companies, and victim credit card charges were processed through those accounts, rather than through a single merchant account in the name of MNF. With similar knowledge, EPS engaged in the underwriting and approval of MNF's fictitious companies and submitted merchant account applications for these fictitious companies to its acquirer. Using the services of two payment processors, EPS enabled more than $4.6 million in MNF transactions to be processed through these and other fraudulent merchant accounts.

The Commission's proposed Complaint alleges that EPS's conduct regarding the MNF fictitious companies and their merchant accounts constituted an unfair act or practice under Section 5 of the FTC Act and assistance and facilitation of illegal credit card laundering under Section 310.3(b) of the Telemarketing Sales Rule, 16 CFR 310.3(b); see also § 310.3(c) (banning credit card laundering).

The proposed Order contains provisions designed to prevent EPS from engaging in the same or similar acts or practices in the future. Section I of the proposed Order contains prohibitions against engaging in credit card laundering; engaging in tactics to evade fraud monitoring or risk monitoring programs; providing payment processing services to any merchant that is engaged in any act or practice that is, or is likely to be, deceptive or unfair; and providing payment processing services to, or acting as an ISO for, any merchant that is listed on the MasterCard Member Alert to Control High-Risk Merchants (MATCH) list for several enumerated reasons.

Section II imposes screening requirements that EPS must implement when it screens applications from prospective merchants that fall under the definition of ''Additional Review Merchants.'' The definition of Additional Review Merchant includes categories of EPS merchants that have been the subject of FTC cases: Merchants who engage in outbound telemarketing and merchants selling specific services (debt collection, debt relief, credit-related services, rental housing listings, job listings, or ''Money Making Opportunities,'' as defined in the order). Heightened screening of Additional Review Merchants includes obtaining detailed information about the merchant's business, as laid out in the order. EPS would also be required to take reasonable steps to verify the accuracy of the due diligence information it obtains.

Section III requires increased monitoring of Additional Review Merchants. The order requires EPS to investigate merchants whose chargeback rate exceeds 1% and whose total number of chargebacks exceeds 55 per month in two of the preceding six months. Section IV requires monitoring of sales agents and termination of sales agents who are engaged in tactics to conceal credit card laundering.

Sections V through IX are reporting and compliance provisions that allow the Commission to better monitor EPS's ongoing compliance with the Order. Under Section IX, the Order will expire in twenty years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed Order. It is not intended to constitute an official interpretation of the Complaint or proposed Order, or to modify in any way the proposed Order's terms.

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2022–06306 Filed 3–24–22; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10410, CMS–10554 and CMS–10325]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by April 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Program; Eligibility Changes under the Affordable Care Act of 2010; *Use:* The State Medicaid and CHIP agencies will collect all information needed to determine and redetermine eligibility for Medicaid and will transmit

information, as appropriate, to other insurance affordability programs. The information collection requirements will assist the public to understand information about health insurance affordability programs and will assist CMS in ensuring the seamless, coordinated, and simplified system of Medicaid and CHIP application, eligibility determination, verification, enrollment, and renewal. *Form Number:* CMS–10410 (OMB control number: 0938–1147); *Frequency:* Occasionally; *Affected Public:* Individuals or Households, and State, Local, and Tribal Governments; *Number of Respondents:* 25,500,096; *Total Annual Responses:* 76,500,218; *Total Annual Hours:* 21,276,302. For policy questions regarding this collection contact Suzette Seng at 410–786–4703.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Children's Health Insurance Program Managed Care and Supporting Regulations; *Use:* CHIP enrollees use the information collected and reported as a result of this regulation to make informed choices regarding health care, including how to access health care services and the grievance and appeal system. States use the information collected and reported as part of contracting processes with managed care entities, as well as its compliance oversight role. CMS uses the information collected and reported in an oversight role of State CHIP managed care programs and CHIP state agencies. *Form Number:* CMS–10554 (OMB control number: 0938–1282); *Frequency:* Yearly; *Affected Public:* State, Local, and Tribal Governments, and the Private Sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 62; *Total Annual Responses:* 2,735,964; *Total Annual Hours:* 371,710. For policy questions regarding this collection contact Amy Lutzky at 410–786–0721.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Disclosure and Recordkeeping Requirements for Grandfathered Health Plans under the Affordable Care Act; *Use:* Section 1251 of the Affordable Care Act provides that certain plans and health insurance coverage in existence as of March 23, 2010, known as grandfathered health plans, are not required to comply with certain statutory provisions in the Act. The final regulations titled ''Final Rules under the Affordable Care Act for Grandfathered Plans, Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections'' (80 FR 72192, November 18, 2015) require that, to maintain its status as a grandfathered health plan, a plan must maintain records documenting the terms of the plan in effect on March 23, 2010, and any other documents that are necessary to verify, explain or clarify status as a grandfathered health plan. The plan must make such records available for examination upon request by participants, beneficiaries, individual policy subscribers, or a state or federal agency official. A grandfathered health plan is also required to include a statement in any summary of benefits under the plan or health insurance coverage, that the plan or coverage believes it is a grandfathered health plan within the meaning of section 1251 of the Affordable Care Act, and providing contact information for participants to direct questions and complaints. In addition, a grandfathered group health plan that is changing health insurance issuers is required to provide the succeeding health insurance issuer (and the succeeding health insurance issuer must require) documentation of plan terms (including benefits, cost sharing, employer contributions, and annual limits) under the prior health insurance coverage sufficient to make a determination whether the standards of paragraph § 147.140(g)(1) of the final regulations are exceeded. It is also required that, for an insured group health plan (or a multiemployer plan) that is a grandfathered plan, the relevant policies, certificates, or contracts of insurance, or plan documents must disclose in a prominent and effective manner that employers, employee organizations, or plan sponsors, as applicable, are required to notify the issuer (or multiemployer plan) if the contribution rate changes at any point during the plan year. *Form Number:* CMS–10325 (OMB control number: 0938–1093); *Frequency:* On Occasion; *Affected Public:* Private Sector, State, Local or Tribal governments; *Number of Respondents:* 14,669; *Total Annual Responses:* 2,651,523; *Total Annual Hours:* 40. For policy questions regarding this collection contact Usree Bandyopadhyay at 410–786–6650.

Dated: March 22, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–06340 Filed 3–24–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10507 and CMS–10105]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 24, 2022.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10507 State-based Exchange Annual Report Tool (SMART)

CMS–10105 National Implementation of the In-Center Hemodialysis CAHPS Survey

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State-based Exchange Annual Report Tool (SMART); *Use:* The annual report is the primary vehicle to insure comprehensive compliance with all reporting requirements contained in the Affordable Care Act (ACA). It is specifically called for in Section 1313(a)(1) of the Act which requires a State Based Exchange (including an Exchange using the Federal Platform) to keep an accurate accounting of all activities, receipts, and expenditures, and to submit a report annually to the Secretary concerning such accounting. CMS will use the information collected from States to assist in determining if a State is maintaining a compliant operational Exchange. *Form Number:* CMS–10507 (OMB control number: 0938–1244); *Frequency:* Annually; *Affected Public:* State, Local, or Tribal governments; *Number of Respondents:* 21; *Total Annual Responses:* 21; *Total Annual Hours:* 4,281. (For policy questions regarding this collection contact Shilpa Gogna at 301–492–4257.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* National Implementation of the In-Center Hemodialysis CAHPS Survey; *Use:* The national implementation of the ICH CAHPS Survey is designed to allow third-party, CMS-approved survey vendors to administer the ICH CAHPS Survey using mail-only, telephone-only, or mixed (mail with telephone follow-up) modes of survey administration. Experience from previous CAHPS surveys shows that mail, telephone, and mail with telephone follow-up data collection modes work well for respondents, vendors, and health care providers. Any additional forms of information technology, such as web surveys, is under investigation as a potential survey option in this population.

Data collected in the national implementation of the ICH CAHPS Survey are used for the following purposes:

- To provide a source of information from which selected measures can be publicly reported to beneficiaries as a decision aid for dialysis facility selection.
- To aid facilities with their internal quality improvement efforts and external benchmarking with other facilities.
- To provide CMS with information for monitoring and public reporting purposes.
- To support the ESRD Quality Improvement Program.

Form Number: CMS–10105 (OMB control number: 0938–0926); *Frequency:* Semi Annually; *Affected Public:* Individuals and Households; *Number of Respondents:* 103,500; *Total Annual Responses:* 621,000; *Total Annual Hours:* 55,890. (For policy questions regarding this collection contact Israel H. Cross at 410–786–0619.)

Dated: March 22, 2022.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2022–06341 Filed 3–24–22; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[OMHA–2201–N]

Medicare Program; Administrative Law Judge Hearing Program for Medicare Claim and Entitlement Appeals; Quarterly Listing of Program Issuances—October Through December 2021

AGENCY: Office of Medicare Hearings and Appeals (OMHA), HHS.

ACTION: Notice.

SUMMARY: This quarterly notice lists the OMHA Case Processing Manual (OCPM) instructions that were published from October through December 2021. This manual standardizes the day-to-day procedures for carrying out adjudicative functions, in accordance with applicable statutes, regulations, and OMHA directives, and gives OMHA staff direction for processing appeals at the OMHA level of adjudication.

FOR FURTHER INFORMATION CONTACT: Jon Dorman, by telephone at (571) 457–7220, or by email at *jon.dorman@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Medicare Hearings and Appeals (OMHA), a staff division within the Office of the Secretary within the U.S. Department of Health and Human Services (HHS), administers the nationwide Administrative Law Judge hearing program for Medicare claim; organization, coverage, and at-risk determination; and entitlement appeals under sections 1869, 1155, 1876(c)(5)(B), 1852(g)(5), and 1860D–4(h) of the Social Security Act (the Act). OMHA ensures that Medicare beneficiaries and the providers and suppliers that furnish items or services to Medicare beneficiaries, as well as Medicare Advantage organizations (MAOs), Medicaid State agencies, and applicable plans, have a fair and impartial forum to address disagreements with Medicare coverage and payment determinations made by Medicare contractors, MAOs, or Part D plan sponsors (PDPSs), and determinations related to Medicare eligibility and entitlement, Part B late

enrollment penalty, and income-related monthly adjustment amounts (IRMAA) made by the Social Security Administration (SSA).

The Medicare claim, organization determination, coverage determination, and at-risk determination appeals processes consist of four levels of administrative review, and a fifth level of review with the Federal district courts after administrative remedies under HHS regulations have been exhausted. The first two levels of review are administered by the Centers for Medicare & Medicaid Services (CMS) and conducted by Medicare contractors for claim appeals, by MAOs and an Independent Review Entity (IRE) for Part C organization determination appeals, or by PDPSs and an IRE for Part D coverage determination and at-risk determination appeals. The third level of review is administered by OMHA and conducted by Administrative Law Judges and attorney adjudicators. The fourth level of review is administered by the HHS Departmental Appeals Board (DAB) and conducted by the Medicare Appeals Council (Council). In addition, OMHA and the DAB administer the second and third levels of appeal, respectively, for Medicare eligibility, entitlement, Part B late enrollment penalty, and IRMAA reconsiderations made by SSA; a fourth level of review with the Federal district courts is available after administrative remedies within SSA and HHS have been exhausted.

Sections 1869, 1155, 1876(c)(5)(B), 1852(g)(5), and 1860D–4(h) of the Act are implemented through the regulations at 42 CFR part 405 subparts I and J; part 417, subpart Q; part 422, subpart M; part 423, subparts M and U; and part 478, subpart B. As noted above, OMHA administers the nationwide Administrative Law Judge hearing program in accordance with these statutes and applicable regulations. To help ensure nationwide consistency in that effort, OMHA established a manual, the OCPM. Through the OCPM, the OMHA Chief Administrative Law Judge establishes the day-to-day procedures for carrying out adjudicative functions, in accordance with applicable statutes, regulations, and OMHA directives. The OCPM provides direction for processing appeals at the OMHA level of adjudication for Medicare Part A and B claims; Part C organization determinations; Part D coverage determinations and at-risk determinations; and SSA eligibility and entitlement, Part B late enrollment penalty, and IRMAA determinations.

Section 1871(c) of the Act requires that the Secretary publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every three months in the **Federal Register**.

II. Format for the Quarterly Issuance Notices

This quarterly notice provides the specific updates to the OCPM that have occurred in the three-month period of October through December 2021. A hyperlink to the available chapters on the OMHA website is provided below. The OMHA website contains the most current, up-to-date chapters and revisions to chapters, and will be available earlier than we publish our quarterly notice. We believe the OMHA website provides more timely access to the current OCPM chapters for those involved in the Medicare claim; organization, coverage, and at-risk determination; and entitlement appeals processes. We also believe the website offers the public a more convenient tool for real time access to current OCPM provisions. In addition, OMHA has a listserv to which the public can subscribe to receive notification of certain updates to the OMHA website, including when new or revised OCPM chapters are posted. If accessing the OMHA website proves to be difficult, the contact person listed above can provide the information.

III. How To Use the Notice

This notice lists the OCPM chapters and subjects published during the quarter covered by the notice so the reader may determine whether any are of particular interest. The OCPM can be accessed at *https://www.hhs.gov/about/agencies/omha/the-appeals-process/case-processing-manual/index.html.*

IV. OCPM Releases for October Through December 2021

The OCPM is used by OMHA adjudicators and staff to administer the OMHA program. It offers day-to-day operating instructions, policies, and procedures based on statutes and regulations, and OMHA directives.

The following is a list and description of OCPM provisions that were issued or revised in the three-month period of October through December 2021. This information is available on our website at *https://www.hhs.gov/about/agencies/omha/the-appeals-process/case-processing-manual/index.html.*

General OCPM Updates

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the **Federal Register** by the executive departments and agencies of the Federal Government. The OCPM frequently cites to the governing regulations for the Medicare Program contained in the CFR. The OCPM provides hyperlinks to those regulation citations at the Electronic Code of Federal Regulations (eCFR) website, available at *https://www.ecfr.gov.*

In late summer 2021, the eCFR website underwent significant updates. These updates rendered many of the eCFR hyperlinks embedded in the OCPM inoperable. To reconcile the OCPM with these updates, OMHA made revisions to footnotes and citations in the following sections: 4.4.1.3, 5.2.1.2, 5.4.1, 5.4.3, 7.1.1.1, 7.1.1.2, 7.1.4.1, 7.2.1, 7.2.2, 7.3.1, 7.3.2, 7.3.4, 7.4.3, 7.5.2, 7.5.4, 7.5.5, 7.5.6, 7.5.8, 7.5.9, 10.5.2, 10.5.3, 10.7.10.1, 10.7.11, 10.7.11.1, 10.7.11.2, 11.3.2, 11.4.5, 17.1.4, 17.1.5.2, 17.1.5.4, 17.1.11.1, 17.2.1, 20.1.4, 20.2.2, 20.4.3.

OCPM Chapter 11: Procedural Review and Determinations—Section 11.3.2

This chapter was initially released on May 24, 2019, and was included in a quarterly notice published in the July 16, 2019 **Federal Register** (84 FR 33956). Section 11.3 of this chapter describes the amount in controversy (AIC) that is the statutory threshold monetary amount that a party with standing to appeal must meet to be entitled to a hearing or review of a dismissal.

CMS issues annual adjustments to the AIC threshold amounts for ALJ hearings and judicial review under the Medicare appeals process. This revision to OCPM 11.3.2 updates the table in this section to reflect the AIC for the ten most recent calendar years.

OCPM Chapter 16: Decisions—Section 16.4.3

This chapter was initially released on October 9, 2019, and was included in a quarterly notice published in the July 1, 2020 **Federal Register** (85 FR 39571). Section 16.4.3 of this chapter describes when an adjudicator issues a stipulated decision. A stipulated decision may be issued when CMS, a CMS contractor, or a plan submits a written statement, or makes an oral statement at a hearing, indicating that an enrollee's at-risk determination should be reversed, or that the items or services at issue should be covered or payment may be made, and agreeing to the amount of payment that the parties believe should be made, if the amount of payment is at issue. This revision updates footnote 15 in section 16.4.3 to reflect the revised regulation at 42 CFR 422.562(d)(3) that became effective on March 22, 2021 (86

FR 6101), which provides that, ''for the sole purpose of applying the regulations at § 405.1038(c) of this chapter, an MA organization is included in the definition of ''contractors'' as it relates to stipulated decisions.''

OCPM Chapter 20: Post-Adjudication Actions—Sections 20.5.3, 20.6.4, 20.7.4, 20.8.4, 20.9.2, 20.11.2

This chapter was initially released on May 25, 2018, and was included in a quarterly notice published in the August 7, 2018 **Federal Register** (83 FR 38700). Since the initial release, the OMHA Central Operations office relocated. This revision updates the Central Operations mailing address accordingly in sections 20.5.3, 20.6.4, 20.7.4, 20.8.4, 20.9.2, and 20.11.2.

Karen W. Ames,

Executive Director, Office of Medicare Hearings and Appeals.

[FR Doc. 2022–06326 Filed 3–24–22; 8:45 am]

BILLING CODE 4150–46–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Hazardous Waste Worker Training—National Institute of Environmental Health Sciences (NIEHS)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Sharon D. Beard, Director, Worker Training Program (WTP), Division of Extramural Research and Training (DERT), NIEHS, P.O. Box 12233 MD: K3–14, Research Triangle Park, NC 27709 or call non-toll-free number 984–287–3237 or Email your request, including your address to: *beard1@niehs.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Hazardous Waste Worker Training Grantee Data Collection—42 CFR part 65, 0925–0348, Expiration Date 07/31/2022 REVISION, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

Need and Use of Information Collection: The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. The NIEHS Worker Training Program (WTP) contains the Hazardous Waste Worker Training Program (HWWTP) and the NIEHS/Department of Energy (DOE) Nuclear Worker Training Program to fund nonprofit organizations to develop and administer model health and safety training programs for hazardous materials or waste workers. The HWWTP provides occupational safety and health training for workers who may be engaged in activities related to hazardous waste removal, containment, or chemical emergency response. This program is the core component of WTP. The other optional programs include the Environmental Career Worker Training Program (ECWTP) that focuses on delivering comprehensive training to increase the number of disadvantaged and underrepresented workers in areas such as environmental restoration, construction, hazardous materials/waste handling, and emergency response and the HAZMAT Disaster Preparedness Training Program (HDPTP) that supports the development and delivery of training for hazardous material and debris cleanup commonly needed after natural and man-made disasters. The purpose of the NIEHS/DOE Nuclear Worker Training Program is to support the development of model programs for the training and education of workers engaged in activities related to hazardous materials and waste generation, removal, containment, transportation and emergency response within the DOE nuclear weapons complex. In thirty-five years (FY 1987–2022) the WTP has successfully supported 25 primary grantees that have trained more than 4.5 million workers across the country and presented over 278,821 classroom, hands-on, and online training courses, which have accounted for over 55 million contact hours of actual training. Generally, the grant will initially be for one year, and subsequent continuation awards are also for one year at a time. Grantees must submit a separate application to have the support continued for each subsequent year. Grantees are to provide information in accordance with S65.4 (a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to provide their information into the WTP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 785.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Information Collection Questionnaire (Data Management System) (HWWTP, DOE).	Grantee	25	2	14	700
Information Collection Questionnaire (Survey) SBIR.	Grantee	85	1	1	85
Total		110	135		785

Jane M. Lambert,

Project Clearance Liaison, National Institute of Environmental Health Sciences, National Institutes of Health.

[FR Doc. 2022–06346 Filed 3–24–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Purity Specifications, Storage and Distribution of Medications Development (8961).

Date: May 2, 2022.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Trinh T. Tran, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 827–5843, *trinh.tran@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 21, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–06298 Filed 3–24–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIH Support for Conferences and Scientific Meetings (Parent R13 Clinical Trial Not Allowed).

Date: April 27–29, 2022.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G53, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Konrad Krzewski, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G53, Rockville, MD 20852, 240–747–7526, *konrad.krzewski@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 21, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–06297 Filed 3–24–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0203]

Cooperative Research and Development Agreement—Beyond Visual Line of Sight (BVLOS) Technology for Coast Guard (CG) Unmanned Aircraft System (UAS) Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into a cooperative research and development agreement (CRADA) with companies to evaluate a detect and avoid (DAA) system to determine its potential use in a maritime environment to enable the Coast Guard to safely fly small UAS (SUAS) beyond visual line of sight (BVLOS). The Coast Guard will conduct flight testing and evaluations of SUAS DAA technology against CG mission scenarios. From our previous solicitations, the Coast Guard is

currently considering partnering with AeroVironment (AV) Inc. and solicits public comment on the possible participation of other parties in the proposed CRADA, and the nature of that participation. The Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must reach the Coast Guard on or before April 25, 2022. Synopses of proposals regarding future CRADAs must also reach the Coast Guard on or before April 25, 2022.

ADDRESSES: Submit comments online at *http://www.regulations.gov* following website instructions. Submit synopses of proposals regarding future CRADAs to Mr. Steve Dunn at his address listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Mr. Steve Dunn, Project Official, Aviation Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2600, email *RDC-Info@uscg.mil* .

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to publish responses to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2021–0203 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.* We do accept anonymous comments.

We encourage you to submit comments through the Federal Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

Do not submit detailed proposals for future CRADAs to *http://www.regulations.gov.* Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADA, the Coast Guard's Research and Development Center (R&DC) will collaborate with one or more non-Federal participants. Together, the R&DC and the non-Federal participants will evaluate detect and avoid (DAA) systems to determine their potential for use in a maritime environment to safely fly sUAS beyond visual line of sight (BVLOS).

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) In conjunction with the non-Federal participant(s), develop the demonstration test plan to be executed under the CRADA;

(2) Provide the SUAS test range, test range support, facilities, and all approvals required for a SUAS demonstration and assessment under the CRADA;

(3) Provide SUAS and associated equipment necessary to conduct the demonstration described in the demonstration test plan;

(4) Provide all required operators and technicians to conduct the demonstration;

(5) Conduct the privacy threshold analysis required for the demonstration;

(6) Conduct the privacy impact assessment required for the demonstration;

(7) Coordinate any required spectrum approval for the SUAS;

(8) Coordinate and receive any required interim flight clearance for the demonstration;

(9) Provide any required airspace coordination and de-confliction for the demonstration test plan;

(10) Collaboratively collect and analyze demonstration test plan data; and

(11) Collaboratively develop a demonstration final report documenting the methodologies, findings, conclusions, and recommendations of this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(1) Provide DAA system and all other equipment to conduct the demonstration described in the demonstration test plan;

(2) Provide all required operators and technicians to conduct the demonstration;

(3) Provide technical data for the DAA to be utilized;

(4) Provide shipment and delivery of all DAA equipment required for the demonstration; and

(5) Provide travel and associated personnel and other expenses as required.

(6) Provide documentation, analysis, graphical user interfaces, and algorithms supporting future FAA DAA BVLOS authorizations.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering AV Inc. for participation in

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

this CRADA, because they have a solution in place for providing detect and avoid capabilities for UAS. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology demonstration effort to evaluate and assess DAA ship/ground-based technologies which support BVLOS UAS operations. The goal of this CRADA is to find a solution for operating SUAS BVLOS. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S.

This notice is issued under the authority of 5 U.S.C. 552(a) and 15 U.S.C. 3710(a).

Dated: March 22, 2022.

Daniel P. Keane,

Captain, USCG, Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2022–06352 Filed 3–24–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0096]

Transfer of Cargo to a Container Station

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-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 May 24, 2022) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0096 in the subject line and the agency name. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Transfer of Cargo to a Container Station.

OMB Number: 1651–0096.

Form Number: N/A.

Current Actions: Extension without change of an existing information collection.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Before the filing of an entry of merchandise for the purpose of breaking bulk and redelivering cargo, containerized cargo may be moved from the place of unlading or may be received directly at the container station from a bonded carrier after transportation in-bond. 19 CFR 19.41. This also applies to loose cargo as part of containerized cargo. *Id.* In accordance with 19 CFR 19.42, the container station operator may make a request for the transfer of a container to the station by submitting to CBP an abstract of the manifest for the transferred containers including the bill of lading number, marks, numbers, description of the contents, and consignee.

This information is submitted by members of the trade community who are familiar with CBP regulations.

Type of Information Collection: Transfer of Cargo to Container Station.

Estimated Number of Respondents: 14,327.

Estimated Number of Annual Responses per Respondent: 25.

Estimated Number of Total Annual Responses: 358,175.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 41,548.

Dated: March 21, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–06280 Filed 3–24–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7060–N–02]

60-Day Notice of Proposed Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties, OMB Control No.: 2528–0230

AGENCY: Office of the Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 24, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–5000; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties.

OMB Approval Number: 2528–0230.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–52695 (HUD LIHTC Property Data Collection Form); HUD–52697 (HUD LIHTC Tenant Data Collection Form).

Description of the need for the information and proposed use: Section 2835(d) of the Housing and Economic Recovery Act, or HERA, (Pub. L. 110–289, approved July 30, 2008) amends Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act) to add a new section 36 (codified as 42 U.S.C. 1437z–8) that requires each state agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (low-income housing tax credits or LIHTC) to furnish HUD, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency.

New section 36 requires HUD to establish standards and definitions for the information to be collected by state agencies and to provide states with technical assistance in establishing systems to compile and submit such information and, in coordination with other federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs. In 2010, OMB approved the first collection instrument used for the collection of LIHTC household information (expiration date 05/31/2013). The form was subsequently approved with expiration dates of June 30, 2016, May 31, 2019, and August 31, 2022. Renewal of this form is required for HUD to remain in compliance with the statute.

Respondents: State and local LIHTC administering agencies.

Estimated Number of Respondents: 61.

Estimated Number of Responses: 122.

Frequency of Response: Annual.

Average Hours per Response: 48.

Total Estimated Burdens: 2,928 hours.

Information collection	Number of respondents	Response frequency	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD LIHTC Database Data Collection Form 52695	61	1	40	2,440	$47.60	$116,144
HUD LIHTC Tenant Data Collection Form 52697	61	1	8	488	47.60	23,229
Total	122	1	48	2,928		139,373

B. Solicitation of Public Comment

This notice solicits comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 and Title 42 U.S.C. 5424 note, Title 13 U.S.C. Section 8(b), and Title 12, U.S.C., Section 1701z–1.

Todd M. Richardson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2022–06282 Filed 3–24–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7056–N–06]

60-Day Notice of Proposed Information Collection: Manufactured Home Construction and Safety Standards Program, OMB Control No.: 2502–0233

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Administration, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 24, 2022.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Manufactured Home Construction and Safety Standards Program.

OMB Approval Number: 2502–0233.

OMB Expiration Date: November 30, 2022.

Type of Request: Revision of a currently approved collection.

Form Numbers: HUD–101, HUD–203, HUD–203B, HUD–301, HUD–302, HUD–303, HUD–304.

Description of the need for the information and proposed use: This information collection is used in conjunction with certification labels, which are 2-inch x 4-inch metal tags permanently attached to each section of manufactured homes to provide a unique identifying number to each section of home produced under 24 CFR chapter XX part 3280, the Manufactured Home Construction and Safety Standards (Standards). Manufacturers are required to affix labels to all manufactured homes to be sold or leased in the United States, to certify compliance with the Standards in accordance with 24 CFR 3280.11, 24 CFR 3282.204, and 24 CFR 3282.205.

Respondents are both approved Production Inspection Primary Inspections Agencies (IPIAs) as described in 24 CFR 3282.362, and manufacturers, as defined in 24 CFR 3282.7. HUD issues certification labels to IPIAs and those certification labels are re-distributed to manufacturers in accordance with the rules. Manufacturers pay the fee designated in 24 CFR 3284.5. The information collection is necessary to ensure label control, production levels, and provide certification label association to allow the Department to identify a manufactured home after it leaves the plant and to ensure that the certification label fee has been paid. The information will also facilitate any recall or safety-related defect campaigns and provide the data that is needed to pay required fees or credits for program participants in the various states where such homes are manufactured and located.

HUD has updated the number of respondents based on current industry characteristics. The number of manufacturing plants has increased and the number of burden hours per response on the HUD–302 Monthly Production Report has been increased to one hour. Form HUD–203B has been revised to include a field for ''Explanation of Damage/Repair.'' The forms have also been updated to include more precise burden statements.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Estimated Number of Respondents: 151.

Estimated Number of Responses: 5,153.

Frequency of Response: Monthly.

Average Hours per Response: 1.0 burden hour for HUD–302; 0.5 burden hours for all other forms included with this information collection.

Total Estimated Burden: 3,410 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(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;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Janet M. Golrick,

Acting, Chief of Staff for the Office of Housing, Federal Housing Administration.

[FR Doc. 2022–06281 Filed 3–24–22; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1289]

Certain Knitted Footwear; Notice of a Commission Determination Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 8) granting an unopposed motion to amend the complaint and notice of investigation (''NOI'') to (1) add an additional adidas respondent, adidas International Trading AG of Lucerne, Switzerland (''adidas International'') and (2) add Harmonized Tariff Schedule (''HTS'') numbers for the imported accused products and identify additional countries from which the accused products are imported.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General

information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 13, 2022, the Commission instituted this investigation based on a complaint filed by Nike, Inc. of Beaverton, Oregon. 87 FR 2176–77 (Jan. 13, 2022). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain knitted footwear by reason of infringement of one or more claims of U.S. Patent Nos. 9,918,511; 9,743,705; 8,266,749; 7,814,598; 9,060,562; and 8,898,932. *Id.* The Commission's notice of investigation named the following adidas entities as respondents: Adidas AG of Herzogenaurach, Germany; adidas North America, Inc. of Portland Oregon; and adidas America, Inc. also of Portland, Oregon. The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On February 22, 2022, Nike moved under 19 CFR 210.14 to amend the Complaint and NOI to (1) add adidas International as a respondent; and (2) to add importation information for the accused products relating to HTS numbers and countries of origin. Nike argued that it did not know about the role of adidas International until the existing respondents filed their responses to the complaint and NOI and that adding adidas International ''is necessary to provide a complete evidentiary record regarding the distribution, sale for importation, importation, and sale after importation of the Accused Products, among other issues.'' ID at 2. Similarly, Nike argued that it did not know about the additional HTS numbers and countries of origin until receiving responses to the complaint and NOI. Nike stated that the named adidas respondents do not oppose the motion. *Id.* at 1.

On March 7, 2022, the ALJ issued the subject ID, granting the motion. The ID found that good cause exists to grant the motion to add adidas International as a respondent and add information regarding HTS numbers of the imported accused products and their countries of origin. *Id.* at 3–4. No one petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. adidas International is added to the investigation as a respondent.

The Commission vote for this determination took place on March 21, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 21, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–06295 Filed 3–24–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–590]

U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti's Economy and Workers

ACTION: Notice of investigation and scheduling of a public hearing.

SUMMARY: Following receipt on February 22, 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. 332–590, *U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti's Economy and Workers.* The Committee requested that the Commission conduct an investigation and provide a report on the Haitian economy and U.S.-Haiti preference programs, and also provide several case studies showing the impact of these preference programs on industries of importance to Haiti's economy.

DATES:

May 4, 2022: Deadline for filing requests to appear at the public hearing.

May 13, 2022: Deadline for filing prehearing briefs and statements.

May 19, 2022: Deadline for filing electronic copies of oral hearing statements.

May 26, 2022: Public hearing.

June 9, 2022: Deadline for filing posthearing briefs and statements.

June 23, 2022: Deadline for filing all other written submissions.

December 22, 2022: Transmittal of Commission report to Committee.

ADDRESSES: All Commission offices are in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Due to the COVID–19 pandemic, the Commission's building is currently closed to the public. Once the building reopens, 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.

FOR FURTHER INFORMATION CONTACT: Project Leader Alan Fox (*alan.fox@usitc.gov* or 202–205–3267) or Deputy Project Leader Samantha Schreiber (*samantha.schreiber@usitc.gov* or 202–205–3176) 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).

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: 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 Haitian economy, including, to the extent practicable, employment, nominal, and inflation-adjusted wages, working conditions, and respect for core labor standards, and U.S. imports from Haiti, 1980–2021, highlighting key products that are currently exported and key products that were historically important to Haiti and are either no longer exported to the United States or are exported in reduced quantities.

2. A description of the role of U.S. preference programs in shaping Haiti's economy, including a description of the eligibility requirements, rules of origin, and scope of product coverage for each program.

3. An overview of the competitiveness of the Haitian economy, including, to the extent practicable: A description of the business environment and trade-facilitating infrastructure in Haiti; a description of the Haitian workforce, including availability and skill level of workers, and policies and practices in Haitian labor markets; and a description of the impact that recent natural disasters and significant political events

have had on Haiti's economy and on U.S.-Haiti trade.

4. Case studies for selected goods currently or historically exported from Haiti (such as apparel, tropical fruits, and sporting goods, including baseballs, basketballs, and softballs), and to the extent practicable, identification of products with potential for increased exports. Each case study should include, to the extent practicable:

a. Trends in production and exports, including an analysis of the historical trends, as applicable;

b. A description of the industry in Haiti, including employment, nominal, and inflation-adjusted wages, and working conditions, and the industry's position in the supply chain.

The Committee requested that the Commission transmit its report no later than 10 months following receipt of its 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 via an online videoconferencing platform, beginning at 9:30 a.m. Eastern Time on May 26th, 2022. More detailed information about the hearing, including how to participate, will be posted on the Commission's website at (*https://usitc.gov/research_and_analysis/what_we_are_working_on.htm*). Once on that web page, scroll down to Investigation No. 332–590, *U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti's Economy and Workers,* and click on the link to ''Hearing Instructions.'' Interested parties should check the Commission's website periodically for updates.

Requests to appear at the public hearing should be filed with the Secretary to the Commission no later than 5:15 p.m. May 4, 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 13, 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, May 19, 2022. All post-hearing briefs and statements should be filed no later than 5:15 p.m. June 9, 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 4, 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 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 5:15 p.m. June 23, 2022. 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.

In accordance with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8) the document must identify on its cover (1) the investigation number and title and the type of document filed (*i.e.,* prehearing brief, oral statement of (name), posthearing brief, or written submission), (2) the name and signature of the person filing it, (3) the name of the organization that the submission is filed on behalf of, and (4) 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 should include a summary with their written submission on or before June 23, 2022, 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 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 written submission can be found.

By order of the Commission.

Issued: March 22, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–06322 Filed 3–24–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1105 (Second Review)]

Lemon Juice From Argentina; Scheduling of a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of a full review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on lemon juice from Argentina would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: March 21, 2022.

FOR FURTHER INFORMATION CONTACT: Julie Duffy (202) 708–2579, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 6, 2021, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review should proceed (86 FR 71916, December 20, 2021); accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the review 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 this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of this review 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, D, E, and F (19 CFR part 207).

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 section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review 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 review will be placed in the nonpublic record on June 14, 2022, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of this investigation beginning at 9:30 a.m. on July 6, 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 29, 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 30, 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 to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is June 24, 2022. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is July 14, 2022. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before July 14, 2022. On August 3, 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 August 5, 2022, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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 section 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 sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (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.

The Commission has determined that this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 22, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–06323 Filed 3–24–22; 8:45 am]

BILLING CODE 7020–02–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a closed teleconference meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on April 22, 2022, from 9:00 a.m. to 5:00 p.m. (EDT).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, at (202) 317–3648 or *elizabeth.j.vanosten@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will hold a teleconference meeting on April 22, 2022, from 9:00 a.m. to 5:00 p.m. (EDT). The meeting will be closed to the public.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

The Executive Director of the Joint Board for the Enrollment of Actuaries, having reviewed and approved this document, is delegating the authority to electronically sign this document to Susan L. Erdos, who is the **Federal Register** Liaison for the Joint Board for the Enrollment of Actuaries, for purposes of publication in the **Federal Register**.

Dated: March 22, 2022.

Susan L. Erdos,

Federal Register Liaison, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2022–06355 Filed 3–24–22; 8:45 am]

BILLING CODE 4830–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting: Board of Directors and Its Six Committees

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 87 FR 16241.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 4–5, 2022. On Monday, April 4, the first Committee meeting will begin at 9:30 a.m. Eastern Daylight Time (EDT), with the next meeting commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, April 5, the first Committee meeting will begin at 9:30 a.m. EDT, with the next meeting commencing promptly upon adjournment of the immediately preceding meeting.

CHANGES IN THE MEETING: The Legal Services Corporation (LSC) is revising the agenda for the combined meeting of the Audit and Finance Committees on Monday, April 4, 2022 to include a briefing by LSC management on the Fiscal Year 2021 Annual Financial Audit. All other agenda items and meeting details remain the same. This change is effective March 22, 2022. The updated agenda is as follows:

Monday, April 4, 2022

Combined Meeting of the Audit and Finance Committees

Open Session

1. Approval of Agenda
2. Presentation of Fiscal Year 2021 Annual Financial Audit
   - *Roxanne Caruso, Acting Inspector General*
   - *Marie Caputo, Principal, CliftonLarsonAllen*
3. Consider and Act on Motion to Suspend the Open Session Meeting and Proceed to a Closed Session

Closed Session

4. Management Briefing on Fiscal Year 2021 Annual Financial Audit
5. Opportunity to Ask Auditors Questions without Management Present
   - *Roxanne Caruso, Acting Inspector General*

- *Marie Caputo, Principal, CliftonLarsonAllen*

6. Communication by Corporate Auditor with those Charged with Governance Under Statement on Auditing Standard 114
   - *Roxanne Caruso, Acting Inspector General*
   - *Marie Caputo, Principal, CliftonLarsonAllen*
7. Consider and Act on Motion to Adjourn the Closed Session Meeting and Resume the Open Session Meeting

Open Session

8. Consider and Act on *Resolution #2022–XXX, Acceptance of the Draft Audited Financial Statements for Fiscal Year 2021 and Fiscal Year 2020*
9. Public Comment
10. Consider and Act on Other Business
11. Consider and Act on Motion to Adjourn the Meeting

CONTACT PERSON FOR MORE INFORMATION: Kaitlin D. Brown, Executive and Board Project Coordinator, at (202) 295–1555. Questions may also be sent by electronic mail to *brownk@lsc.gov*.

Dated: March 22, 2022.

Kaitlin D. Brown,

Executive and Board Project Coordinator, Legal Services Corporation.

[FR Doc. 2022–06391 Filed 3–23–22; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; Account Management Profile

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to establish this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by May 24, 2022 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Account Management Profile.

OMB Control No.: 3145–New.

Expiration Date of Approval: Not applicable.

Abstract: The purpose of the National Science Foundation's (NSF) Account Profile is to collect information (contact, demographics, professional and academic references) on *Research.gov*. This profile will assist the NSF in maintaining a centralized registration and profile management process for individuals. NSF may track information provided over time to review and evaluate NSF programs, facilitate proposal submission, simplify reviewer activities, and provide data for the selection and management of reviewers and related merit review functions. Collecting this information supports the program officers across each directorate by improving efficiencies for internal staff, leveraging consolidated profile data, and creating a seamless user experience for the scientific community. This process will also provide researchers with a consolidated profile and access to their information in the *Research.gov* system, with the ability to easily access and update their information as necessary. In addition, the Biden Administration has made it a priority to deliver services more equitably and effectively via Executive Order 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.* The President directed heads of agencies to integrate activities to improve customer experience and identify means by which their respective agencies can improve transparency and accessibility for their customers. This expansion effort will allow users to self-report demographic and professional information over time that will enable program officials to select diverse panels and expand opportunities to increase participation from underrepresented groups and diverse institutions throughout the United States in all NSF activities and programs.

Respondents: Researchers and administrative support professionals.

Estimated Number of Annual Respondents: 565,146.

Burden on the Public: Estimated 5 minutes to fill out the contact, demographics, professional and academic information, including the collection of data to fill in the fields. This assumption includes users who have filled out information in the past and do not wish to update their information. The demographic information should be readily available as the selection fields are available on *Research.gov* today and the professional information can be gathered from external data sources. The estimated burden time is 47,095 hours.

Dated: March 22, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–06347 Filed 3–24–22; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Request for Information on the Energy and Climate Implications of Digital Assets

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Notice of Request for Information on the Energy and Climate Implications of Digital Assets.

SUMMARY: The United States is committed to combatting the climate crisis and reaching net-zero greenhouse gas emissions no later than 2050. On March 9, 2022, President Biden signed an Executive Order on Ensuring Responsible Development of Digital Assets, which outlines a whole-of-government strategy to harness the benefits and mitigate the risks of digital assets, including the implications for energy use and the climate. The Executive Order tasked the White House Office of Science and Technology Policy (OSTP) to submit a report to the President that examines the potential for digital assets to impede or advance efforts to tackle climate change and the transition to a clean and reliable electricity grid. As OSTP conducts this examination, it invites comments from interested stakeholders, including the public. In particular, this RFI seeks comments on the protocols, hardware, resources, economics, and other factors that shape the energy use and climate impacts of all types of digital assets. It also seeks comment on attempts to mitigate climate harms and reduce energy use associated with digital assets, potential energy or climate benefits from digital assets and opportunities for natural asset or

emissions accounting, likely future developments or industry trajectories related to digital assets, and implications that digital assets have for U.S. policy including as it relates to electricity grid reliability and greenhouse gas intensity.

DATES: Interested persons and organizations are invited to submit comments on or before 5:00 p.m. ET on May 9, 2022.

ADDRESSES: Interested individuals and organizations should submit comments electronically to *DigitalAssetsRFI@ostp.eop.gov* and include < RFI Response: Climate Implications of Digital Assets > in the subject line of the email. Due to time constraints, mailed paper submissions will not be accepted, and electronic submissions received after the deadline cannot be ensured to be incorporated or taken into consideration.

Instructions: Response to this RFI is voluntary. Each responding entity (individual or organization) is requested to submit only one response.

Responses may address one or as many topics as desired from the enumerated list provided in this RFI, noting the corresponding number of the topic(s) to which the response pertains. Submissions must not exceed 10 pages (exclusive of cover page) in 11-point or larger font, with a page number provided on each page. Responses should include the name of the person(s) or organization(s) filing the comment, as well as the respondent type (*e.g.,* academic institution, advocacy group, professional society, community-based organization, industry, member of the public, government, other). Respondent's role in the organization may also be provided (*e.g.,* researcher, administrator, student, program manager, journalist) on a voluntary basis. Comments containing references, studies, research, and other empirical data that are not widely published should include copies or electronic links of the referenced materials; these materials, as well as a list of references, do not count toward the 10-page limit. No business proprietary information, copyrighted information, or personally identifiable information (aside from that requested above) should be submitted in response to this RFI. Comments submitted in response to this RFI may be posted on OSTP's website or otherwise released publicly.

In accordance with Federal Acquisitions Regulations Systems 15.202(3), responses to this notice are not offers and cannot be accepted by the Federal Government to form a binding contract. Additionally, those submitting responses are solely responsible for all expenses associated with response preparation.

FOR FURTHER INFORMATION CONTACT: For additional information, please direct questions to Nik Marda at 202–456–4444 or *DigitalAssetsRFI@ostp.eop.gov.*

SUPPLEMENTARY INFORMATION:

Background: Climate change is one of the most pressing problems confronting our nation and our world, which is why President Biden has committed to cutting U.S. greenhouse gas pollution by 50–52% by 2030, advancing environmental justice, and having a net-zero emissions economy by 2050. Building on the historic progress on climate action that President Biden achieved in his first year in office, the President's plan to achieve those goals includes improving energy efficiency, deploying a record amount of new carbon-free energy sources, and advancing clean energy innovation.

The explosive growth of the digital asset ecosystem may contribute to greater energy use and negatively impact the climate. Many digital assets, including cryptocurrencies, use decentralized consensus mechanisms as opposed to a central authority to verify transactions. While different digital asset systems use different consensus mechanisms, many use ''proof of work'' based systems that require significant amounts of computing power and electricity, often derived from carbon-intensive sources. Some researchers estimate that cryptocurrencies use more electricity each year than many individual countries in the world, including some industrialized nations. Thus, digital assets may present a key environmental challenge at a time when we need to shift to carbon-free sources in order to combat climate change. On the other hand, digital assets might also have a positive impact on the climate. For example, they may provide new opportunities in carbon accounting and verification, increasing trust in carbon measurement and creating a novel opportunity for addressing climate change.

Recognizing these climate risks, other risks, and potential benefits of digital assets, President Biden signed Executive Order (E.O.) 14067: Ensuring Responsible Development of Digital Assets on March 9, 2022, to outline a whole-of-government strategy on digital assets. Pursuant to E.O. 14067, OSTP, and its partners from the Executive Office of the President and Federal agencies, are examining the connections between distributed ledger technology and energy transitions, the potential for these technologies to impede or advance efforts to tackle climate change at home and abroad, and the impacts these technologies have on the environment.

This RFI seeks public input to better understand the climate impacts of digital assets. In particular, this RFI seeks comments on the protocols, hardware, resources, economics, and other factors that shape the energy use and climate impacts of all types of digital assets. It also seeks comment on attempts to mitigate climate harms and reduce energy use associated with digital assets, potential energy or climate benefits from digital assets and opportunities for natural asset or emissions accounting, likely future developments or industry trajectories related to digital assets, and implications that digital assets have for U.S. policy including as it relates to electricity grid reliability and greenhouse gas intensity. These comments will inform a report to the President on the climate impacts of digital assets.

Terminology: The terms *blockchain, central bank digital currency, cryptocurrencies, digital assets,* and *stablecoins,* have the definitions provided in Section 9 of E.O. 14067.

Scope: OSTP invites input from interested stakeholders, including academic researchers and policy analysts; technical practitioners specializing in digital ledger technologies; civil society and advocacy groups; individuals and organizations who work on environmental issues; industry and industry association groups; Federal entities and employees; State, local, tribal, territorial, and foreign governments; and members of the public.

Information Requested: Respondents may provide information for one or as many topics below as they choose.

1. *Protocols:* Information on the climate impacts of the protocols used by digital assets. This includes the effect of cryptocurrencies' consensus mechanisms on energy usage, as well as potential mitigating measures and alternative mechanisms of consensus and the design tradeoffs those may entail. For example, many digital assets—including those that make use of smart contracts—use or are looking into less energy-intensive consensus mechanisms than ''proof of work.'' Information is sought related to the benefits and drawbacks of those alternative mechanisms, as well as their different energy consumption profiles.

2. *Hardware:* Information about the climate impacts from the physical components that run the protocols for digital assets. This includes the

embodied emissions of specialized hardware and cooling equipment used to mine certain cryptocurrencies, as well as the waste generated from this equipment needing to be replaced frequently due to rapidly improving mining equipment. This also includes potential mitigating measures and technology improvements to reduce the environmental impact from hardware usage.

3. *Resources:* Information about the resources used to sustain and power digital assets. This includes the electricity that powers mining rigs and the water used to cool those operations, as well as potential mitigating measures to reduce the amount of electricity and water used. This also includes quantitative estimates of the total amounts of these resources used by particular types of digital assets, or by the digital asset ecosystem at large. This also includes information concerning whether the costs of resources used are borne equitably across society or are disproportionately borne by historically disadvantaged communities.

4. *Economics:* Information about how the energy use of digital assets is affected by the value of, demand for, and supply of particular digital assets or their underlying infrastructure. This includes the environmental and infrastructural effects from cryptocurrency miners moving to areas with cheaper electricity, as well as the incentives that exist for cryptocurrency miners to use renewable energy sources for mining. This also includes information about impacts on the electric grid and about the need for potential incremental grid investments, along with the impacts on electricity bills for customers near or in affected service territories.

5. *Past or ongoing mitigation attempts:* Information about past or ongoing attempts to mitigate negative climate impacts of digital assets. This includes voluntary industry efforts, and cryptocurrencies that are changing their consensus mechanism in order to reduce their energy usage. This also includes climate-focused and energy efficiency regulation or standards efforts by State, local, territorial, tribal, federal, or foreign governments.

6. *Potential energy or climate benefits:* Information about how digital assets can potentially yield positive energy or climate impacts. This includes potential uses of blockchain that could support monitoring or mitigating technologies to climate impacts, such as opportunities for natural asset or emissions accounting, as well as the exchanging of liabilities for greenhouse gas emissions, water, and other natural or environmental assets. This also includes specific approaches to increase the likelihood of direct climate or emissions benefits from digital assets, or associated grid services that indirectly lead to climate or emissions benefits. Furthermore, information is sought supporting or rebutting claims made by some proponents of cryptocurrencies that the energy used by mining cryptocurrencies is a net climate positive, either because it occurs during demand lulls or because it increases demand for renewable electricity sources.

7. *Likely future developments or industry trajectories:* Information about likely future developments or industry trajectories that would have implications for the future climate impacts of digital assets. This includes expected future developments in protocols, hardware, resources, and economics. Where possible, please describe the expected timescale for likely future developments.

8. *Implications for U.S. policy:* Information about how the climate impacts of digital assets might have implications for U.S. policy. This includes implications for energy policy, including as it relates to grid management and reliability, energy efficiency incentives and standards, sources of energy supply, greenhouse gas intensity, and the transition to a net-zero emissions economy by 2050.

9. *Other information:* Any other information, not covered above, that is relevant for understanding the climate impacts of digital assets.

Dated: March 21, 2022.

Stacy Murphy,

Operations Manager.

[FR Doc. 2022–06284 Filed 3–24–22; 8:45 am]

BILLING CODE 3270–F2–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36591]

Louisville & Indiana Railroad Company—Acquisition and Operation Exemption—Southern Indiana Railway, Inc.

The Louisville & Indiana Railroad Company (LIRC), a Class III railroad, has filed a verified notice of exemption under 49 CFR 1150.41 to enter into an asset purchase agreement (Purchase Agreement) with Southern Indiana Railway, Inc. (SIND), for LIRC to acquire and operate a rail corridor from north of the intersection of ''highway 403'' at Speed (SIND Speed Property) southerly to a connection with a rail line of CSX Transportation, Inc., at Watson Junction, all in Clark County, Ind. The Purchase Agreement also covers yard tracks located on the real property of Lehigh Cement in Speed, north of SIND Speed Property (the above described assets subject to the Purchase Agreement are referred to collectively as the Line). According to LIRC, the Line is approximately 7.41 miles in length.[1] The verified notice states that LIRC will become the operator of the Line upon the exemption's effective date.

LIRC certifies that the Purchase Agreement does not contain any provision that may limit future interchange with a third-party connecting carrier. LIRC further certifies that its projected annual revenues as a result of this transaction will not result in LIRC's becoming a Class II or Class I rail carrier. Pursuant to 49 CFR 1150.42(e), if a carrier's projected annual revenues will exceed $5 million, it must, at least 60 days before the exemption becomes effective, post a notice of its intent to undertake the proposed transaction at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, LIRC's verified notice includes a request for waiver of the 60-day advance labor notice requirements. LIRC's waiver request will be addressed in a separate decision. The Board will establish the effective date of the exemption in its separate decision on the waiver request.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 1, 2022.

All pleadings, referring to Docket No. FD 36591, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, one copy of each pleading must be served on LIRC's representative, Rose-Michele Nardi, Baker & Miller PLLC, Suite 300, 2401 Pennsylvania Ave. NW, Washington, DC 20037.

According to LIRC, this action is categorically excluded from

[1] LIRC states that this mileage number comes from *Southern Indiana Railway—Acquisition,* FD 12551 (ICC served Feb. 7, 1940). LIRC further states that its intention is to acquire SIND's rights to the entire rail corridor described in the 1940 decision, and that, to the extent that yard and ancillary tracks are subject to 49 U.S.C. 10906, LIRC's request for authority to acquire the Line is not intended to convert any such track into common carrier track subject to 49 U.S.C. 10901.

environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Decided: March 22, 2022.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2022–06338 Filed 3–24–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Change 19 Acres of Land From Aeronautical to Non-Aeronautical Use at Presque Isle International Airport in Presque Isle, Maine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the City of Presque Isle to change 19 acres of land from Aeronautical Use to Non-Aeronautical Use for a Solar facility at Presque Isle International Airport, Presque Isle, Presque Isle, ME. A solar facility will be constructed on 19 acres of land at Presque Isle International Airport. The solar facility is being constructed on land not required for aviation use. The land has been designated for non-aeronautical use. The airport will have a land lease with the solar company that will generate a new non-aeronautical revenue source for the airport. The land lease proceeds will be deposited in the airport's operation and maintenance account.

DATES: Comments must be received on or before April 21, 2022.

ADDRESSES: You may send comments using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* and follow the instructions on providing comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W 12–140, 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.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation Administration New England Region Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781–238–7618.

Issued in Burlington, Massachusetts, on March 21, 2022.

Julie Seltsam-Wilps,

Deputy Director, ANE–600.

[FR Doc. 2022–06299 Filed 3–24–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Department of Transportation's Multimodal Project Discretionary Grant Opportunity

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation.

ACTION: Notice of Funding Opportunity (NOFO).

Multimodal Project Discretionary Grant Opportunity (MPDG)

SUMMARY: The purpose of this notice is to solicit applications for three funding opportunities: The National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). While applicants can choose to apply for only one grant program, this combined solicitation will allow applicants to apply for two, or all three of these funding opportunities by submitting only one application. It also aims to better enable the Department to proactively assist project sponsors in matching projects with the most appropriate grant program(s) and facilitate individual projects in potentially receiving funding from multiple grant programs. Funds for the INFRA, Mega, and Rural funding opportunities will be awarded on a competitive basis for surface transportation infrastructure projects—including highway and bridge, intercity passenger rail, railway-highway grade crossing or separation, wildlife crossing, public transportation, marine highway, and freight projects, or groups of such projects—with significant national or regional impact, or to improve and expand the surface transportation infrastructure in rural areas.

DATES: Applications must be submitted by 11:59 p.m. EDT on May 23, 2022. The *Grants.gov* ''Apply'' function will open by March 25, 2022.

ADDRESSES: Applications must be submitted through *www.Grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* on or before the application deadline will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact the Office of the Secretary via email at *MPDGrants@dot.gov,* or call Paul Baumer at (202) 366–1092. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, up to the application deadline, the U.S. Department of Transportation (Department) will post answers to common questions and requests for clarifications on the Department's website at *https://www.transportation.gov/grants/mpdg-frequently-asked-questions.*

SUPPLEMENTARY INFORMATION: The organization of this notice is based on an outline set forth in Appendix I to title 2 of the Code of Federal Regulations (CFR) part 200 to ensure consistency across Federal financial assistance programs. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with how the Multimodal Project Discretionary Grant (MPDG) combined application process will work, the Department recommends starting with Section A (Program Description), which describes the Department's goals for the MPDG common application and purpose in making awards, and Section E (Application Review Information), which describes how the Department will select among eligible applications for each of the three funding opportunities. Those two sections will provide appropriate context for the remainder of the notice: Section B (Federal Award Information) describes information about the size and nature of awards; Section C (Eligibility Information) describes eligibility requirements for applicants and projects; Section D (Application and Submission Information) describes in detail how to apply for an award; Section F (Federal Award Administration Information) describes legal requirements that will accompany awards; and Sections G (Federal

Awarding Agency Contacts) and H (Other Information) provide additional administrative information.

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A. Program Description

1. Overview

The Multimodal Project Discretionary Grant common application (MPDG) provides Federal financial assistance to highway and bridge, intercity passenger rail, railway-highway grade and separation, wildlife crossing, public transportation, marine highway, and freight and multimodal projects, or groups of such projects, of national or regional significance, as well as to projects to improve and expand the surface transportation infrastructure in rural areas. Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021) (Bipartisan Infrastructure Law, or BIL) provided funds to the Department across three programs to invest in projects of national or regional significance—the National Infrastructure Project Assistance grants program, found under 49 U.S.C. 6701 (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program, found at 23 U.S.C. 117 (Infrastructure for Rebuilding America or INFRA), and the Rural Surface Transportation Grant program, found at 23 U.S.C. 173 (Rural). To help streamline the process for applicants, the Department has combined the applications for the Mega, INFRA, and Rural programs into the MPDG common application. Applicants may choose to apply to one, two, or all three of these grant programs.) The Fiscal Year (FY) 2022 MPDG awards will be made for each of the three grant programs as appropriate and consistent with each grant program's statutory language. The FY 2022 MPDG round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64355),[1] and will focus on supporting projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with the Department's strategic goals.

Applicants are encouraged to apply for multiple programs, to maximize their potential of receiving Federal support. Applicants for the MPDG will be considered across all three programs unless they opt out. To support applicants through the application process, the Department will provide technical assistance and resources.[2]

The Department seeks to fund projects under the MPDG common application that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts. Section E provides more information on the specific measures a project may undertake to support these goals.

The Department also seeks to award projects under the MPDG common application that address environmental justice, particularly for communities (including rural communities) that may disproportionately experience consequences from climate change and other pollutants. Environmental justice, as defined by the Environmental Protection Agency, is 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. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened communities. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction. See Section F.2 of this Notice of Funding Opportunity (NOFO) for program requirements.

The Department also seeks to award projects under the MPDG common application that proactively address equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity. Section E describes equity considerations that an applicant can undertake and the Department will consider during the review of applications. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds for construction. All projects must comply with Federal civil rights requirements. See Section F.2 of this NOFO for program requirements.

In addition, the Department intends to use the MPDG opportunity to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, labor management partnerships and Local Hire agreements,[3] in project planning stages and program delivery. Projects that incorporate such planning considerations are expected to support a strong economy and labor market. Section E describes job creation and labor considerations an applicant can

[1] The priorities of Executive Order 14052, Implementation of the Infrastructure Investments and Jobs Act are: To invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

[2] For Technical Assistance for projects in rural areas, visit *https://www.transportation.gov/rural.*

[3] Contracts awarded with geographic hiring preferences are eligible for assistance under most Department financial assistance programs.

undertake and that the Department will consider during the review of applications. Projects that have not sufficiently considered job creation and labor considerations in their planning, as determined by the Department, will be required to do so to the full extent possible under the law before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

Section E of this NOFO describes the process for selecting projects that further these goals under each of the three grant programs. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

Consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural projects that address deteriorating conditions and disproportionately high fatality rates and transportation costs in rural communities.

2. Changes From the FY 2021 INFRA NOFO

Of the three programs in the MPDG opportunity, INFRA is the only program that existed in FY2021, while the Rural and Mega are new programs created by the Bipartisan Infrastructure Law. Applicants who are planning to reapply using materials prepared for prior competitions should ensure that their FY 2022 application fully addresses the criteria and considerations described in this notice and that all relevant information is up to date.

The FY 2022 INFRA program will be evaluated under common project outcome criteria (formally labeled in FY 2021 as ''merit criteria'') that apply to all three programs within the MPDG opportunity, as described in Section E. The FY 2022 MPDG opportunity's common project outcome criteria will not consider the Performance and Accountability criterion from INFRA 2021. Instead, the Department will utilize standard approaches to monitoring project performance and ensuring projects are delivered efficiently. Leverage of non-Federal funds contribution, or ''leverage,'' will now be assessed within the Innovation criterion and for the separate INFRA FY 2022 Leverage pilot set-aside. The Leverage pilot set-aside is described in further detail in Section B.2.ii.

The BIL expanded INFRA eligibility to include wildlife crossing projects; marine highway corridor projects; highway, bridge, or freight projects carried out on the National Multimodal Freight Network; [4] surface transportation projects located within or functionally connected to an international border crossing; and transportation facilities owned by a Federal, State, or local government entity.

3. Additional Information

This common application process will result in grants being awarded under three funding programs. The Mega program is authorized at 49 U.S.C. 6701. The INFRA program is authorized at 23 U.S.C. 117. The Rural program is authorized at 23 U.S.C. 173. They are described respectively in the Federal Assistance Listings under the assistance listing program titles ''National Infrastructure Project Assistance'' (assistance listing number 20.937), ''Nationally Significant Freight and Highway Projects'' (assistance listing number 20.934), and ''Rural Surface Transportation Grant Program'' (assistance listing number 20.938).

The Department is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The Department also recognizes that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple Department discretionary opportunities or seek a combination of funding from multiple Department opportunities. The applicant should identify describe from any other Department programs and opportunities they intend to apply for (or utilize if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections including Sections D.2.i. and D.2.ii.IV.

B. Federal Award Information

1. Amount Available

The BIL makes available up to $5 billion for the Mega program for the period of FY 2022 through 2026; up to $8 billion to the INFRA program for the period of FY 2022 through 2026; and up to $2 billion for the Rural program for the period of FY 2022 through 2026, for a combined total of up to $15 billion for FY 2022 through 2026. This notice solicits applications for up to $2.85 billion in FY 2022 MPDG opportunity funds. Up to $1 billion will be made available for the Mega program, up to $1.55 billion will be made available for the INFRA program, and up to $300 million will be made available for the Rural funding opportunities program. In addition to the FY 2022 funding, the Department may make award decisions in the MPDG FY 2022 round to fund Mega project awards in future fiscal years, based on a potential awarded project's schedule and availability of funding.[5] In addition to the FY 2022 funds, amounts from prior year INFRA authorizations, presently estimated at up to $150 million, may be made available and awarded under this solicitation. Any award under this notice will be subject to the availability of funding. Mega, INFRA, and the Rural program each have their own specific funding restrictions, including award size and types of projects. Refer to Section D.5 for greater detail on funding restrictions for each program.

C. Eligibility Information

To be selected for a grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the minimum project size requirement.

1. Eligible Applicants

Each of the three funding opportunities has slightly different statutory rules for what kinds of applicants are eligible to apply. Applicants should review this section in determining for which of the three programs they are applying.

ELIGIBLE APPLICANTS

Mega	INFRA	Rural
1. a State or a group of States;	1. a State or group of States;	1. a State;

[4] DOT has not yet designated an National Multimodal Freight Network. Any project relying on being on the National Multimodal Freight Network as their sole basis for eligibility may be considered higher risk.

[5] 49 U.S.C. 6701(j) authorizes the Department to enter multiyear grant agreements for Mega projects. Those agreements may include a commitment, contingent on amounts to be specified in law in advance for such commitments, to provide future year funds.

ELIGIBLE APPLICANTS—Continued

Mega	INFRA	Rural
2. a metropolitan planning organization; 3. a unit of local government; 4. a political subdivision of a State; 5. a special purpose district or public authority with a transportation function, including a port authority; 6. a Tribal government or a consortium of Tribal governments; 7. a partnership between Amtrak and 1 or more entities described in (1) through (6); and, 8. a group of entities described in any of (1) through (7).	2. a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; 3. a unit of local government or group of local governments; 4. a political subdivision of a State or local government; 5. a special purpose district or public authority with a transportation function, including a port authority; 6. a Federal land management agency that applies jointly with a State or group of States; 7. a tribal government or a consortium of tribal governments; 8. a multistate corridor organization; or 9. a multistate or multijurisdictional group of entities described in this paragraph.	2. a regional transportation planning organization; 3. a unit of local government; 3. a unit of local government; 4. a tribal government or a consortium of tribal governments; or 5. a multijurisdictional group of entities above.

i. Mega

Eligible applicants for Mega grants are: (1) A State or a group of States; (2) a metropolitan planning organization; (3) a unit of local government; (4) a political subdivision of a State; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Tribal government or a consortium of Tribal governments; (7) a partnership between Amtrak and 1 or more entities described in (1) through (6); and (8) a group of entities described in any of (1) through (7).

ii. INFRA

Eligible applicants for INFRA grants are: (1) A State or group of States; (2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; (3) a unit of local government or group of local governments; (4) a political subdivision of a State or local government; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Federal land management agency that applies jointly with a State or group of States; (7) a tribal government or a consortium of tribal governments; (8) a multistate corridor organization; or (9) a multistate or multijurisdictional group of entities described in this paragraph.

iii. Rural

Eligible applicants for Rural grants are: (1) A State; (2) a regional transportation planning organization; (3) a unit of local government; (4) a tribal government or a consortium of tribal governments; or (5) a multijurisdictional group of entities above.

iv. Joint Applications for Any Program

Multiple States or entities that submit a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant. The applicant that will be responsible for financial administration of the project must be an eligible applicant.

2. Cost Sharing or Matching

i. Mega

Mega grants may be used for up to 60 percent of future total eligible project costs. Other Federal assistance may satisfy the non-Mega share requirement for a Mega grant, but total Federal assistance for a project receiving a Mega grant may not exceed 80 percent of future total eligible project costs.

ii. INFRA

INFRA grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-INFRA share requirement for an INFRA grant, but total Federal assistance for a project receiving an INFRA grant may not exceed 80 percent of future total eligible project costs, except that, for States with a population density of not more than 80 persons per square mile of land area, based on the 2010 census, the maximum share of the total Federal assistance provided for a project receiving a grant under this section shall be the applicable share under section 120(b) of title 23, U.S.C. The following chart identifies the maximum total Federal cost share for INFRA projects, under such section 120(b), for projects for FY 2022.

State	Maximum Federal share for INFRA projects (%)
Alaska	90.97
Arizona	90.94
California	83.57
Colorado	82.79
Hawaii	81.30
Idaho	84.97
Montana	82.75
Nevada	94.89
New Mexico	85.44
Oregon	84.63
South Dakota	81.95
Utah	89.52
Washington	81.42
Wyoming	86.77

If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the U.S.C. may be used for the non-Federal share.

iii. Rural

Rural grants may be used for up to 80 percent of future eligible project costs, except eligible projects that further the completion of a designated segment of the Appalachian Development Highway System under section 14501 of title 40 of the U.S.C., or address a surface transportation infrastructure need identified for the Denali access system program under section 309 of the Denali Commission Act of 1998 may apply for up to 100 percent of the project costs. Other Federal assistance may satisfy the non-Rural share requirement for a Rural grant up to 100 percent of project costs.

Please note that the Rural Program has a higher statutory maximum Federal share than Mega and INFRA. Applications which seek funding above the statutory maximum share for MEGA and INFRA will only be eligible for an award from the Rural program.

iv. Universal Cost Sharing or Matching Guidance

Unless otherwise authorized by statute, non-Federal cost-share may not be counted as non-Federal share for both the programs under MPDG and another Federal program. For any project under MPDG, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.iii as awarded funds. See Section D.2 for information about documenting cost sharing in the application.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds, or other funding sources of non-Federal origin.

For the purpose of evaluating eligibility under the statutory limit on total Federal assistance in the Mega and INFRA programs, funds from TIFIA and RRIF credit assistance programs are considered Federal assistance and, combined with other Federal assistance, may not exceed 80 percent of the future eligible project costs, except as indicated for the INFRA program (see Section C.2.ii).

3. Eligible Projects

Each of the three funding opportunities has different statutory rules for what kinds of projects are eligible for funding. Applicants should review this section in determining for which of the three programs they are applying, given the type of project being proposed. Projects may be eligible for funding under multiple MPDG programs and applicants may apply for any program for which their project is eligible.

ELIGIBLE PROJECT TYPES

Mega	INFRA	Rural
1. A highway or bridge project on the National Multimodal Freight Network. 2. A highway or bridge project on the National Highway Freight Network. 3. A highway or bridge project on the National Highway System. 4. A freight intermodal (including public ports) or freight rail project that provides public benefit. 5. A railway highway grade separation or elimination project. 6. An intercity passenger rail project. 7. A public transportation project that is eligible under assistance under Chapter 53 of title 49 or is a part of any of the project types described above.	1. A highway freight project on the National Highway Freight Network. 2. A highway or bridge project on the National Highway System. 3. A freight intermodal, freight rail, or freight project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.* 4. A highway-railway grade crossing or grade separation project. 5. A wildlife crossing project. 6. A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by Fed/State/local government and increases throughput efficiency. 7. A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions. 8. A highway, bridge, or freight project on the National Multimodal Freight Network.	1. A highway, bridge, or tunnel project eligible under National Highway Performance Program. 2. A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant. 3. A highway, bridge, or tunnel project eligible under Tribal Transportation Program. 4. A highway freight project eligible under National Highway Freight Program. 5. A highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program. 6. A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area. 7. A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

i. Mega

Eligible projects for Mega grants are: A highway or bridge project on the National Multimodal Freight Network; a highway or bridge project on the National Highway Freight Network; a highway or bridge project on the National Highway System; a freight intermodal (including public ports) or freight rail project that provides public benefit; a railway-highway grade separation or elimination project; an intercity passenger rail project; a public transportation project that is eligible under assistance under Chapter 53 of title 49 U.S.C. and is a part of any of the project types described above; or a grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above.

ii. INFRA

Eligible projects for INFRA grants are: Highway freight projects carried out on the National Highway Freight Network (NHFN) (23 U.S.C. 167); highway or bridge projects carried out on the National Highway System (NHS), including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is (1) an intermodal or rail project, or (2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility; a wildlife crossing project; a surface transportation project within the boundaries of, or functionally connected to, an international border crossing that improves a facility owned by a Federal, State, or local government and increases throughput efficiency; a project for a marine highway corridor that is functionally connected to NHFN and is likely to reduce on-road mobile source emissions; or a highway, bridge, or freight project on the National Multimodal Freight Network under section 70103 of title 49 of the United States Code. To be eligible under INFRA, a project within the boundaries of a freight rail, water (including ports), or intermodal facility must be a surface transportation infrastructure project

necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the NHFN. In this context, improving freight movement on the NHFN may include shifting freight transportation to other modes, thereby reducing congestion and bottlenecks on the NHFN. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

iii. Rural

Eligible projects for Rural grants are: A highway, bridge, or tunnel project eligible under National Highway Performance Program (23 U.S.C. 119); a highway, bridge, or tunnel project eligible under Surface Transportation Block Grant (23 U.S.C. 133); a highway, bridge, or tunnel project eligible under Tribal Transportation Program (23 U.S.C. 202); a highway freight project eligible under National Highway Freight Program (23 U.S.C. 167); a highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program (23 U.S.C. 148); a project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area; or a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

An eligible entity may bundle two or more similar eligible projects under the Rural program if projects are included as a bundled project in a statewide transportation improvement program under 23 U.S.C. 135 and will be awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and the eligible entity.

4. Eligible Project Costs

The table below defines eligible project costs for each program per the program statutes:

ELIGIBLE PROJECT COSTS

Mega	INFRA	Rural
Development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and, Construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. Construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and operational improvements directly related to system performance. INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.	Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and, Construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

v. Mega

Mega grants may be used for development-phase activities and costs, including planning, feasibility analysis, revenue forecasting, alternatives analysis, data collection and analysis, environmental review and activities to support environmental review, preliminary engineering and design work, and other preconstruction activities, including the preparation of a data collection and post-construction analysis plan; and construction, reconstruction, rehabilitation, acquisition of real property (including land relating to the project and improvements to that land), environmental mitigation (including projects to replace or rehabilitate culverts or reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, acquisition of equipment, protection, and operational improvements directly relating to the project.

vi. INFRA

INFRA grants may be used for the construction, reconstruction, rehabilitation, or acquisition of property (including land related to the project and improvements to the land), environmental mitigation (including a project to replace or rehabilitate a culvert, or to reduce stormwater runoff for the purpose of improving habitat for aquatic species), construction contingencies, equipment acquisition, and operational improvements directly related to system performance. Statutorily, INFRA grants may also fund development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. However, the Department is seeking to prioritize INFRA funding for projects that result in construction; as a result, development phase activities may be less competitive under INFRA by nature of the evaluation structure described in Section E. Public-private partnership assessments for projects in the development phase are also eligible costs.

INFRA grant recipients may use INFRA funds to pay for the subsidy and administrative costs necessary to receive TIFIA credit assistance.

vii. Rural

Rural grants may be used for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design

work, and other preconstruction activities; and construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

5. Project Requirements for Each Funding Opportunity

Applicants only need to address the requirements for the program or programs from which they are requesting funding in in their application.

i. Mega

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for a Mega grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.4.i and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with Mega grant funds, nor will they count toward the project's required non-Federal share.

(a) Mega Project Sizes

The Department will make awards under the Mega program both to projects greater than $500 million in cost, and to projects greater than $100 million but less than $500 million in cost. For each fiscal year of Mega funds, 50 percent of available funds are reserved for projects greater than $500 million in cost, and 50 percent to projects between $100 million and $500 million in cost.

(b) Mega Project Requirements

For a Mega project to be selected, the Department must determine that the project meets all five requirements described in 49 U.S.C. 6701(f)(1) and below and further described in Section E.1.b.v and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award. See Section D.2.ii.VIII.

Mega Project Requirement #1: The project is likely to generate national or regional economic, mobility, or safety benefits.

Mega Project Requirement #2: The project is in significant need of Federal funding.

Mega Project Requirement #3: The project will be cost-effective.

Mega Project Requirement #4: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and to cover cost increases.

Mega Project Requirement #5: The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project.

(c) Mega Data Collection Requirements

In accordance with 49 U.S.C. 6701(g), an applicant wishing to submit a project to be considered for a Mega grant award will be required to submit, as an attachment to their application, a plan for the collection and analysis of data to identify the impacts of the project and the accuracy of any forecast prepared during the development phase of the project and included in the grant application. The contents of the plan shall include an approach to measuring proposed project outcome criteria as described in Section E and an approach for analyzing the consistency of predicted project characteristics with actual outcomes.

Each applicant selected for Mega grant funding must collect and report to the Department information on the project's performance based on performance indicators related to program goals (*e.g.,* travel time savings, greenhouse gas emissions, passenger counts, or level of service) among other information. Performance indicators should include measurable goals or targets that Department will use internally to determine whether the project meets program goals and grant funds achieve the intended long-term outcomes of the Mega Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.[6] Before the start of construction of the Mega project, the project sponsor must submit a report providing baseline data for the purpose of analyzing the long-term impact of the project. Not later than six (6) years after the date of substantial completion of a project, the eligible entity carrying out the project shall submit a project outcomes report that compares the baseline data to quarterly project data for the duration of the fifth year of the project after substantial completion.

ii. INFRA

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an INFRA grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.ii. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with INFRA grant funds, nor will they count toward the project's required non-Federal share.

For the INFRA Leverage Pilot, at least 50 percent of the project's future eligible project costs must be funded by non-Federal contributions.

(a) Large Projects

The minimum project size for large projects is the lesser of (1) $100 million; (2) 30 percent of a State's FY 2021 Federal-aid apportionment if the project is located in one State; or (3) 50 percent of the larger participating State's FY 2021 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost, rounded up to the nearest million, for projects for FY 2022 for both single and multi-State projects.

State	FY 22 INFRA (30% of FY 21 apportionment) one-state minimum (millions)	FY 22 INFRA (50% of FY 21 apportionment) multi-state minimum * (millions)
Alabama	$100	$100
Alaska	100	100
Arizona	100	100
Arkansas	100	100
California	100	100
Colorado	100	100
Connecticut	100	100
Delaware	56	93
Dist. Of Col	52	87
Florida	100	100
Georgia	100	100
Hawaii	56	93
Idaho	94	100
Illinois	100	100
Indiana	100	100
Iowa	100	100
Kansas	100	100
Kentucky	100	100
Louisiana	100	100
Maine	61	100
Maryland	100	100
Massachusetts	100	100
Michigan	100	100
Minnesota	100	100

[6] The Department may in the future publish a more detailed framework for performance measure data collection that will: Indicate standardized measurement approaches; data storage system requirements; and any other requirements the Secretary determines to be necessary.

State	FY 22 INFRA (30% of FY 21 apportionment) one-state minimum (millions)	FY 22 INFRA (50% of FY 21 apportionment) multi-state minimum * (millions)
Mississippi	100	100
Missouri	100	100
Montana	100	100
Nebraska	95	100
Nevada	100	100
New Hampshire	54	90
New Jersey	100	100
New Mexico	100	100
New York	100	100
North Carolina	100	100
North Dakota	82	100
Ohio	100	100
Oklahoma	100	100
Oregon	100	100
Pennsylvania	100	100
Rhode Island	72	100
South Carolina	100	100
South Dakota	93	100
Tennessee	100	100
Texas	100	100
Utah	100	100
Vermont	67	100
Virginia	100	100
Washington	100	100
West Virginia	100	100
Wisconsin	100	100
Wyoming	84	100

** For multi-State projects, the minimum project size is the largest of the multi-State minimums from the participating States.*

(b) Small Projects

A small project is an eligible project that does not meet the minimum project size described in Section C.5.ii.

(c) Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project meets seven requirements described in 23 U.S.C. 117(g) and below and further described in Section E.1.v.b. and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement to select it for an award. See Section E.1.v.b.:

Large Project Requirement #1: The project will generate national or regional economic, mobility, or safety benefits.

Large Project Requirement #2: The project will be cost-effective.

Large Project Requirement #3: The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. 150.

Large Project Requirement #4: The project is based on the results of preliminary engineering.

Large Project Requirement #5: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

Large Project Requirement #6: The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Large Project Requirement #7: The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

For a small project to be selected, the Department must consider the cost-effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades.

iii. Rural

For a Rural project to be selected, the Department must determine that the project meets five requirements described in 23 U.S.C. 173(g) and below and further described in Section E.1.v.b and Section D.2.b.vii. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement, to select it for an award. See Section D.2.VIII.

Rural Project Requirement #1: Will generate regional economic, mobility, or safety benefits.

Rural Project Requirement #2: The project will be cost-effective.

Rural Project Requirement #3: The project will contribute to the accomplishment of 1 or more of the national goals under 23 U.S.C. 150.

Rural Project Requirement #4: The project is based on the results of preliminary engineering.

Rural Project Requirement #5: The project is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

6. Definition of Rural and Urban Areas

This section describes the definition of urban and rural areas and the minimum statutory requirements for projects that meet those definitions. The INFRA and Rural program statutes define a rural area as an area outside an Urbanized Area[7] with a population of over 200,000. In this notice, urban area is defined as inside an Urbanized Area, as designated by the U.S. Census Bureau, with a population of 200,000 or more.[8] Rural and urban definitions differ in some other Department programs, including TIFIA. Cost share requirements and minimum grant awards are the same for projects located in rural and urban areas. The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. However, if a project consists of multiple components, as described under section C.8 or C.9, then for each separate component the Department will determine whether that component is rural or urban. In some circumstances, including networks of projects under section C.9 that cover wide geographic regions, this component-by-component determination may result in awards that include urban and rural funds.

7. Areas of Persistent Poverty and Historically Disadvantaged Communities

BIL specifies that the Secretary consider, as an additional consideration for the Mega program, whether a project may benefit an Area of Persistent Poverty or a Historically Disadvantaged Community.

In this context, an Area of Persistent Poverty means: (1) Any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the Census; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Survey of the Bureau of the Census; or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (1) The 1990 decennial census; (2) the 2000 decennial census; and (3) the 2020 Small Area Income Poverty Estimates. The Department lists all counties and census tracts that meet this definition for Areas of Persistent Poverty at *https://datahub.transportation.gov/stories/s/tsyd-k6ij.*

Historically Disadvantaged Communities—The Department has

[7] For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/*. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

[8] See *www.transportation.gov/buildamerica/INFRAgrants* for a list of Urbanized Areas with a population of 200,000 or more.

been developing a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this NOFO. Consistent with the Office of Management and Budget's (OMB) Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (1) certain qualifying census tracts, (2) any Tribal land, or (3) any territory or possession of the United States. The Department is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at *https://datahub.transportation.gov/stories/s/tsyd-k6ij.*

8. Project Components

An application may describe a project that contains more than one component. The Department may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C, including the project requirements of the program(s) being applied for described in Sections C and D.2; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. In this context, independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of the Department funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. If an application describes multiple components, the application should demonstrate how the components collectively advance the purposes of the funding program or programs for which the applicant is applying. An applicant should not add multiple components to a single application merely to aggregate costs or to avoid submitting multiple applications.

Applicants should be aware that, depending upon applicable Federal law and the relationship among project components, an award funding only some project components may make other project components subject to Federal requirements as described in Section F.2.ii. For example, under 40 CFR 1509(e), the NEPA review for the funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

The Department strongly encourages applicants to identify in their applications the project components that meet the independent utility definition above and separately detail the costs and program funding (Mega, INFRA, and/or Rural) requested for each component. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

9. Network of Projects

An application may describe and request funding for a network of projects. A network of projects is a single grant award that funds multiple projects addressing the same transportation problem. For example, if an applicant seeks to improve efficiency along a rail corridor, then their application might propose one award for four grade separation projects at four different railway-highway crossings. Each of the four projects would independently increase rail safety and reduce roadway congestion but the overall benefits would be greater if the projects were completed together under a single award.

The Department will evaluate applications that describe networks of projects similar to how it evaluates projects with multiple components. Because of their similarities, the guidance in Section C.8. is applicable to networks of projects, and applicants should follow that guidance on how to present information in their application. As with project components, depending upon applicable Federal law and the relationship among projects within a network of projects, an award that funds only some projects in a network may make other projects subject to Federal requirements as described in Section F.2.

10. Application Limit

To encourage applicants to prioritize their MPDG opportunity submissions, each eligible applicant may submit three unique applications per grant program (Mega, INFRA, and Rural), for a total application limit of nine. The three-unique-applications-per-grant program applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three unique applications to a particular grant program as the lead applicant, only the first three received will be considered.

D. Application and Submission Information

1. Address

Applications must be submitted through *www.Grants.gov.* Instructions for submitting applications can be found at *https://www.transportation.gov/grants/mpdg-how-apply.*

2. Content and Form of Application

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the cover pages and Project Narrative follows.

i. Cover Page

Each application should contain a cover page with the following chart:

Basic Project Information:	
What is the Project Name?	
Who is the Project Sponsor?	
Was an application for USDOT discretionary grant funding for this project submitted previously?	(If Yes, please include project title and applicable grant programs).
A project will be evaluated for eligibility for consideration for all three programs, unless the applicant wishes to opt-out of being evaluated for one or more of the grant programs.	__Opt-out of Mega? __Opt-out of INFRA? __Opt-out of Rural?
Project Costs:	
MPDG Request Amount	Exact Amount in year-of-expenditure dollars: $____

Estimated Other Federal funding (excl. MPDG).	Estimate in year-of-expenditure dollars: $____
Estimated Other Federal funding (excl. MPDG) further detail.	Other Federal funding from Federal Formula dollars: $____ Other Federal funding being requested from other USDOT grant opportunities?: $____From What Program(s)?: ____
Estimated non-Federal funding	Estimate in year-of-expenditure dollars: $____
Future Eligible Project Cost (*Sum of previous three rows*).	Estimate in year-of-expenditure dollars: $____
Previously incurred project costs (*if applicable*).	Estimate in year-of-expenditure dollars: $____
Total Project Cost (Sum of 'previous incurred' and 'future eligible').	Estimate in year-of-expenditure dollars: $____
INFRA: Amount of Future Eligible Costs by Project Type.	(1) A highway freight project on the National Highway Freight Network: $____ (2) A highway or bridge project on the National Highway System: $____ (3) A freight intermodal, freight rail, or freight project within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility: $____ (4) A highway-railway grade crossing or grade separation project: $____ (5) A wildlife crossing project: $____ (6) A surface transportation project within the boundaries or functionally connected to an international border crossing that improves a facility owned by fed/state/local government and increases throughput efficiency: $____ (7) A project for a marine highway corridor that is functionally connected to the NHFN and is likely to reduce road mobile source emissions: $____ (8) A highway, bridge, or freight project on the National Multimodal Freight Network: $____
Mega: Amount of Future Eligible Costs by Project Type.	(1) A highway or bridge project on the National Multimodal Freight Network: $____ (2) A highway or bridge project on the National Highway Freight Network: $____ (3) A highway or bridge project on the National Highway System: $____ (4) A freight intermodal (including public ports) or freight rail project that provides public benefit: $____ (5) A railway highway grade separation or elimination project: $____ (6) An intercity passenger rail project: $____ (7) A public transportation project that is eligible under assistance under Chapter 53 of title 49 and is a part of any of the project types described above: $____ (8) A grouping, combination, or program of interrelated, connected, or dependent projects of any of the projects described above.
Rural: Amount of Future Eligible Costs by Project Type.	(1) A highway, bridge, or tunnel project eligible under National Highway Performance Program: $____ (2) A highway, bridge, or tunnel project eligible under Surface Transportation Block Grant: $____ (3) A highway, bridge, or tunnel project eligible under Tribal Transportation Program: $____ (4) A highway freight project eligible under National Highway Freight Program: $____ (5) A highway safety improvement project, including a project to improve a high risk rural road as defined by the Highway Safety Improvement Program: $__ (6) A project on a publicly-owned highway or bridge that provides or increases access to an agricultural, commercial, energy, or intermodal facility that supports the economy of a rural area: $____ (7) A project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services: $____
Project Location:	
State(s) in which project is located.	
INFRA: Small or Large project	Small/Large.
Urbanized Area in which project is located, if applicable.	
Population of Urbanized Area (*According to 2010 Census*).	
Is the project located (entirely or partially) in Area of Persistent Poverty or Historically Disadvantaged Community?	List census tracts that qualify as within these areas. (*https://datahub.transportation.gov/stories/s/tsyd-k6ij*).
Is the project located (entirely or partially) in Federal or USDOT designated areas?	Yes/No. If yes, please describe which of the four Federally designated community development zones in which your project is located. Opportunity Zones: (*https://opportunityzones.hud.gov/*). Empowerment Zones: (*https://www.hud.gov/hudprograms/empowerment_zones*) Promise Zones: (*https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz*). Choice Neighborhoods: (*https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn*).
Is the project currently programmed in the: • TIP. • STIP. • MPO Long Range Transportation Plan. • State Long Range Transportation Plan. • State Freight Plan.	Yes/No. (Please specify in which plans the project is currently programmed, and provide the identifying number if applicable).

ii. Project Narrative

The Department recommends that the project narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Project Description	See D.ii.I.
II. Project Location	See D.2.ii.II.
III. Project Parties	See D.2.ii.III.
IV. Grant Funds, Sources and Uses of all Project Funding	See D.2.ii.IV.
V. Project Outcome Criteria	See D.2.ii.V.
VI. Benefit-Cost Analysis.	
VII. Project Readiness and Environmental Risk	See D.2.ii.VII and E.1.c.ii.
VIII. Project Requirements	See D.2.ii.VIII and C.5.

The project narrative should include the information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C for each of the grant programs from which the applicant is seeking funding and to assess the selection criteria specified in Section E.1 that are applicable to the grant programs from which the applicant is seeking funding. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Department. The Department may ask any applicant to supplement data in its application, but it expects applications to be complete upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the project narrative be prepared with standard formatting preferences (*i.e.,* a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. Appendices may include documents supporting assertions or conclusions made in the 25-page project narrative and do not count towards the 25-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged. The Department recommends using appropriately descriptive final names (*e.g.,* ''Project Narrative,'' ''Maps,'' ''Memoranda of Understanding and Letters of Support,'' etc.) for all attachments. The USDOT recommends applications include the following sections:

I. Project Description

The first section of the application should provide a concise description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project's history, including a description of any previously incurred costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

II. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. The application should also identify:

(a) Whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);

(b) whether the project is located in a Historically Disadvantaged Community, including the relevant census tract(s);

(c) If the project is located within the boundary of a 2010 Census-designated Urbanized Area, the application should identify the Urbanized Area; [9] and

(d) whether the project is located in one of four Federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods).

Information under (d) may be used for the Department's internal data tracking.

III. Project Parties

This section of the application should provide details about the lead applicant, including the lead applicant's experience with receipt and expenditure of Federal transportation funds. This section of the application should also list and briefly describe all of the other public and private parties who are involved in delivering the project, such as port authorities, terminal operators, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, and freight industry workforce organizations.

IV. Grant Funds, Sources, and Uses of Project Funds

This section of the application should describe the project's budget and the plans for covering the full cost of the project from all sources. At a minimum, it should include:

Previously incurred expenses, as defined in Section C.

- Future eligible costs, as defined in Section C.5.
- For all funds to be used for future eligible project costs, the source and amount of those funds.
- For non-Federal funds to be used for future eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application.
- All Federal funds to be used for future eligible project costs, including grant programs covered by this MPDG application (Mega, INFRA, and/or Rural), other Federal grants that have been awarded to the project or for which the project intends to apply in the future (*e.g.,* Bridge Investment Program, FTA Capital Investment Grant, etc.) and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project.
- For each category of Federal funds to be used for future eligible project

[9] Lists of Urbanized Areas are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/* and maps are available at *https://tigerweb.geo.census.gov/tigerweb/*. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

costs, the amount, nature, and source of any required non-Federal match for those funds.

The Department is committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. The Department also recognizes that applicants may be seeking discretionary grant funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple Department discretionary opportunities or seek a combination of funding from multiple Department opportunities. The applicant should indicate, within the Federal funding description, details as to what other potential Department programs and opportunities they intend to solicit funds, and what award amounts they will be seeking.

(A) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each major construction activity and present those data in dollars and percentages. Funding sources should be grouped into three categories: Non-Federal; MPDG; and other Federal. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2 and those associated with each category of Federal funding.

(B) Information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases.

(C) The amount of the requested MPDG funds that would be subject to the limit on freight rail, port, and intermodal infrastructure described in Section B.2.ii., if being considered for INFRA funding.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete information about project funds will ensure that the Department's expectations for award execution align with any funding restrictions unrelated to the Department, even if an award differs from the applicant's request.

V. Project Outcome Criteria

This section of the application should demonstrate how the project aligns with the Project Outcome Criteria described in Section E.2 of this notice. The Department encourages applicants to address each criterion as it applies to the funding programs to which they are applying or else to expressly state that the project does not address the criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants are not required to follow a specific format, but the following organization, which addresses each criterion separately, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about how the applicant should organize their application. Guidance describing how the Department will evaluate projects against the Project Outcome Criteria is in Section E.2 of this notice. Applicants also should review that section before considering how to organize their application.

Criterion #1: Safety

This section of the application should describe the anticipated outcomes of the project that support the Safety criterion (described in Section E.2 of this notice). The applicant should include information on, and to the extent possible, quantify, how the project will target known, documented safety problems within the project area or wider transportation network, and demonstrate how the project will protect all users of the transportation system and/or communities from health and safety risks. The application should provide evidence to support the claimed level of effectiveness of the project in protecting all travelers, including vulnerable users, from health and safety risks, such as the number and rate of reduced crashes, serious injuries, and/or fatalities. If the project is providing increased access to commercial motor vehicle parking, the application should provide information demonstrating the lack of parking in the area and evidence estimating the number of vehicles that will use the new parking.

Criterion #2: State of Good Repair

This section of the application should describe how the project will contribute to a state of good repair by restoring and modernizing core infrastructure assets and/or addressing current or projected system vulnerabilities (described in Section E.2 of this notice). The application should include information on the current condition of all assets that will be affected by the project, how the proposed project will improve asset condition, plans to ensure the ongoing state of good repair of new assets constructed as part of the project, and any estimates of impacts on long-term cost structures or overall life-cycle costs.

Criterion #3: Economic Impacts, Freight Movement, and Job Creation

This section of the application should describe how the project will contribute to at least one of the following outcomes: (1) Improve system operations to increase travel time reliability and manage travel demand for goods movement, especially for supply chain bottlenecks, thereby reducing the cost of doing business and improving local and regional freight connectivity to the national and global economy; (2) improve multimodal transportation systems that incorporate affordable transportation options such as public transit to improve mobility of people and goods; (3) decrease transportation costs and provide reliable and timely access to employment centers and job opportunities; (4) significantly improve the economic strength of regions and cities by increasing the economic productivity of land, capital, or labor, and linkages between distinct rural areas and rural and urban areas; (5) enhance recreational and tourism opportunities by providing access to Federal lands (including national parks, national forests, national recreation areas, national wildlife refuges, and wilderness areas) or State parks; (6) result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union in project construction and in on-going operations and maintenance, and incorporate strong labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs; [10] (7) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (8) foster economic growth and development

[10] *https://www.apprenticeship.gov/https://www.apprenticeship.gov.*

while creating long-term high-quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008; [11] (9) support integrated land use, economic development and transportation planning to improve the movement of people and goods and local fiscal health, facilitate greater public and private investments and strategies in land-use productivity, including rural main street revitalization or increase in the production or preservation of location-efficient housing; or (10) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S., and facilitating efficient and reliable freight movement.

Criterion #4: Climate Change, Resiliency, and the Environment

This section of the application should describe how the project will incorporate considerations of climate change and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change impacts. The application should describe the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of lower-carbon travel modes such as transit and active transportation, improve the resiliency of at-risk [12] infrastructure, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. The application should explain to what extent the project will prevent stormwater runoff that would be a detriment to aquatic species. The application should describe whether the project will promote energy efficiencies, support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions, improve public health and increase use of lower-carbon travel modes such as transit, active transportation and multimodal freight, incorporate electrification or zero emission vehicle infrastructure, increase resilience to all hazards, and recycle or redevelop brownfield sites, particularly in communities that disproportionally experience climate-change-related consequences. The application should describe if projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967) and 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425.)

Criterion #5: Equity, Multimodal Options, and Quality of Life

This section of the application should describe how the project will proactively address equity and barriers to opportunity, improve quality of life in rural areas or urbanized areas, and benefit Historically Disadvantaged Communities or populations, or Areas of Persistent Poverty. This may include increasing affordable transportation choices, especially for transportation disadvantaged communities. It should also describe how the project has or will meaningfully engage communities affected by the project, with effective public participation that is accessible to all persons regardless of race, color, national origin, disability, age, and sex. Equity considerations should be integrated into planning, development, and implementation of transportation investments, including utilization of Disadvantaged Business Enterprises (DBEs). The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input such as community-based organizations during project planning and consideration of such input in the decision-making. The project application should describe planning and engagement in the project design phase to mitigate and, to the greatest extent possible, prevent, physical and economic displacement.

Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing

This section of the application should contain sufficient information to evaluate how the project can be transformative in achieving program goals, and includes or enables innovation in: (1) The accelerated deployment of innovative and secure-by-design technology, including expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. If the project does not address a particular innovation area, the application should state this fact. Please see Section E.1.a for additional information.

VI. Benefit-Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The purpose of the BCA is to enable Department to evaluate the project's cost effectiveness by comparing its expected benefits to its expected costs. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2. Applicants should also provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by Department evaluators.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. The analysis should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate of 7 percent per year to the project's streams of benefits and costs, which should be stated in constant-dollar terms. The costs and benefits that are compared in the BCA must cover the same project scope.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project. Projected benefits may accrue to both users of the facility and those who are affected by its use (such as through changes in emissions of greenhouse gases and other pollutants, or availability of affordable housing or more affordable transportation choices). Usage forecasts applied in estimating future benefits should account for any additional demand induced by the improvements to the facility. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

The BCA should include the full costs of developing, constructing, operating,

[11] *https://netl.doe.gov/sites/default/files/2021-04/Initial%20Report%20on%20Energy%20Communities_Apr2021.pdf.*

[12] For the MPDG opportunity, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also include the present discounted value of any remaining service life of the asset at the end of the analysis period.

Detailed guidance from the Department on estimating benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, is available on the program website (see *www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance-discretionary-grant-programs-0*).

VII. Project Readiness and Environmental Risk

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist the Department's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections.

Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in section E.4 of this notice. Applicants also should review that section before considering how to organize their application.

(a) Technical Feasibility. The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed. The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on the basis of race, color, national origin, sex, age, or disability.

(b) Project Schedule. The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals including permitting, design completion, right-of-way acquisition, approval of plans, specifications and estimates (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- All necessary activities will be complete to allow MPDG funds to be obligated [13] sufficiently in advance of the statutory deadline for applicable programs (For INFRA and Rural, the statutory obligation deadline is September 30, 2025 for FY 2022 funds. For Mega, there is no statutory obligation deadline; however, the Department seeks projects that will begin construction before September 30, 2025) and that any unexpected delays will not put the funds at risk of expiring before they are obligated;
- the project can begin construction quickly upon obligation of grant funds, and that the grant funds will be spent expeditiously once construction starts; and
- all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required Right-of-Way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

(c) Required Approvals.

i. Environmental Permits and Reviews. The application should demonstrate receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, the application should include:

- Information about the NEPA status of the project, including whether the project may qualify for a Categorical Exclusion under current regulations. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the NEPA class of action, where the project is in the NEPA process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the final agency action with respect to NEPA occurred more than three years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements.
- Information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,[14] indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.
- Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.

[13] Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

[14] Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

• A description of discussions with the appropriate Department modal administration field or headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

• A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

ii. State and Local Approvals. The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals on which the project depends, such as State and local environmental and planning approvals, and statewide transportation improvement program (STIP) or transportation improvement program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

iii. Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the Federal-aid highway program apply to all projects, but for port, freight, and rail projects, planning requirements of the operating administration that will administer the project will also apply,[15] including intermodal projects located at airport facilities.[16] Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202). Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each grant will be specified in the project-specific agreements signed by relevant modal administration and the grant recipients, will be based on critical path items that applicants identify in the application, and will be consistent with relevant State and local plans.

iv. Assessment of Project Risks and Mitigation Strategies. Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal program, the applicant should contact the Department modal field or headquarters offices as found at *https://www.transportation.gov/grants/mega-additional-guidance* for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

VIII. Statutory Project Requirements

To select a project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies statutory requirements relevant to the program from which it will receive an award. The application should include sufficient information for the Department to make these determinations for both the project as a whole and for each independent component of the project. Applicants should use this section of the application to summarize how their project meets applicable statutory requirements and, if present, how each independent project component meets each of the following requirements. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each large project determination. Supporting information provided in appendices may be referenced.

STATUTORY SELECTION REQUIREMENTS

23 U.S.C. 117 INFRA	49 U.S.C. 6701 Mega	23 U.S.C. 173 Rural	Guidance
(1) The project will generate national, or regional economic, mobility, or safety benefits.	(1) The project is likely to generate national or regional economic, mobility, safety benefits.	(1) The project will generate regional economic, mobility, or safety benefits.	Summarize the economic, mobility, and safety benefits of the project and independent project components, and describe the scale of their impact in national or regional terms. The Department will base its determination on the assessment of this information by Project Outcome evaluators.
(2) The project will be cost effective.	(3) The project will be cost effective.	(2) The project will be cost effective.	Highlight the results of the Benefit-Cost analysis, as well as the analyses of independent project components if applicable. The Department will base its determination on the ratio of project benefits to project costs as assessed by the Economic Analysis Team.

[15] In accordance with 23 U.S.C. 134 and § 135, all projects requiring an action by the Federal Highway Administration (FHWA) must be in the applicable plan and programming documents (*e.g.,* metropolitan transportation plan, transportation improvement program (TIP), and statewide transportation improvement program (STIP)).). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements of Section 70202 of Title70202Title 49 U.S.C. prior to the start of construction. Port planning guidelines are available at *StrongPorts.gov.*

[16] Projects at grant obligated airports must be compatible with the Federal Aviation Administration (FAA---)--)—approved Airport Layout Plan (ALP), as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: Must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

STATUTORY SELECTION REQUIREMENTS—Continued

23 U.S.C. 117 INFRA	49 U.S.C. 6701 Mega	23 U.S.C. 173 Rural	Guidance
(3) The project will contribute to 1 or more of the national goals described under Section 150.	*No statutory requirement*	(3) The project will contribute to 1 or more of the national goals described under Section 150.	Specify the Goal(s) and summarize how the project and independent project components contribute to that goal(s). The Department will base its determination on the assessment of this information by Project Outcome evaluators.
(4) The project is based on the results of preliminary engineering.	*No statutory requirement*	(4) The project is based on the results of preliminary engineering.	For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been completed as of the date of application submission: • Environmental Assessments. • Topographic Surveys. • Metes and Bounds Surveys. • Geotechnical Investigations. • Hydrologic Analysis. • Utility Engineering. • Traffic Studies. • Financial Plans. • Revenue Estimates. • Hazardous Materials Assessments. • General estimates of the types and quantities of materials. • Other work needed to establish parameters for the final design. If one or more of these studies was included in a larger plan or document not described above, please explicitly state that and reference the document. The Department will base its determination on the assessment by technical capacity evaluators.
(5) With respect to related non-federal financial commitments, 1 or more stable and dependable sources of funding and financing are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.	(4) With respect to non-federal financial commitments, 1 or more stable and dependable sources are available to construct, operate, and maintain the project, and to cover cost increases.	*No statutory requirement*	Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing the STIP/TIP, a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. Please state the contingency amount available for the project. The Department will base its determination on an assessment of this information by financial completeness evaluators. The Department will base its determination on an assessment of this information by financial completeness evaluators.
(6) The project cannot be easily and efficiently completed without other Federal funding or financing available to the project sponsor.	(2) The project is in significant need of Federal funding.	*No statutory requirement*	Describe the potential negative impacts on the proposed project if the MPDG grant (or other Federal funding) was not awarded. Respond to the following: 1. How would the project scope be affected if MPDG (or other Federal funds) were not received? 2. How would the project schedule be affected if MPDG (or other Federal funds) were not received? 3. How would the project cost be affected if MPDG (or other Federal funds) were not received? If there are no negative impacts to the project scope, schedule, or budget if MPDG funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project- specific impacts. Re-stating the project's importance for national or regional economic, mobility, or safety will not satisfy this requirement. The Department will base its determination on an assessment of this information by program evaluators.
(7) The project is reasonably expected to begin not later than 18 months after the date of obligation of funds for the project.	(5) The applicant have, or will have, sufficient legal, financial, and technical capacity to carry out the project.	(5) The project is reasonably expected to begin not later than 18 months after the date of obligation of funds for the project.	Please provide expected obligation date and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. The Department will base its determination on the project risk rating as assessed according to the Project Readiness consideration. The Department will base its determination on the project risk as assessed by the Environmental Risk, Financial Completeness, and Technical Capacity evaluators.

For an INFRA small project to be selected, the Department must consider the cost effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades. If an applicant seeks an award for an INFRA small project, it should use this section to provide information on the project's cost effectiveness, including by summarizing the results of the benefit-cost analysis for the project, and the project's effect on the mobility in its State and region, and the effect of the proposed project on safety of freight corridors with significant hazards, or refer to where else the information can be found in the application.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make an MPDG grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make an MPDG grant, the Department may determine that the applicant is not qualified to receive an MPDG grant and use that determination as a basis for making an MPDG grant to another applicant.

4. Submission Dates and Times

Applications must be submitted by 11:59 p.m. EDT May 23, 2022. The *Grants.gov* ''Apply'' function will open by March 25, 2022. To submit an application through *Grants.gov*, applicants must:

(1) Obtain a Unique Entity Identifier (UEI) number; [17]

(2) Register with the System for Award Management (SAM) at *www.sam.gov;*

(3) Create a *Grants.gov* username and password; and

(4) The E-business Point of Contact (POC) at the applicant's organization must also respond to the registration email from *Grants.gov* and login at *Grants.gov* to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that the Department will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at *http://www.grants.gov/web/grants/applicants/applicant-faqs.html.* If applicants experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at 1(800) 518–4726.

5. Funding Restrictions

i. Mega

BIL specifies that 50 percent of available Mega funds are set aside for projects between $100 million and $500 million in cost. The remaining available Mega funds, less 2 percent for program administration, are for projects greater than $500 million in cost.

ii. INFRA

The Department will make awards under the INFRA program to both large and small projects (refer to section C.5.ii for a definition of large and small projects). For a large project, BIL specifies that an INFRA grant must be at least $25 million. For a small project, including both construction awards and project development awards, the grant must be at least $5 million. For each fiscal year of INFRA funds, a minimum of 15 percent of available funds are reserved for small projects, and a maximum of 85 percent of funds are reserved for large projects.

The program statute specifies that not more than 30 percent of INFRA grants for each of the fiscal years 2022 to 2026 may be used for grants to freight rail, water (including ports and marine highway corridors), other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network or National Multimodal Freight Network, wildlife crossing projects, projects located within or functionally connected to an international border crossing area in the United States, improves a transportation facility owned by a Federal, State, or local government entity, and projects that increase the throughput efficiency of border crossings. As much as $482 million may be available within this provision. Only the nonhighway portion(s) of multimodal projects count toward this limit.

Grade crossing and grade separation projects do not count toward the limit for freight rail, port, and intermodal projects. The Department may award less than the full amount available under this provision.

The program statute requires that at least 25 percent of the funds provided for INFRA large project grants must be used for projects located in rural areas, as defined in Section C.6 The program statute requires that at least 30 percent of the funds provided for INFRA small project grants must be used for projects located in rural areas, as defined in Section C.6. The Department may elect to go above that threshold. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas.

BIL specifies that $150 million in available INFRA funding for each of the fiscal years 2022 to 2026 be set aside for an INFRA Leverage Pilot program. The INFRA Leverage Pilot program will fund projects with a Federal share of less than 50 percent. Not less than 10 percent of the INFRA Leverage Pilot funds will be awarded to small INFRA projects, as defined in Section C.5.ii.(b), and not less than 25 percent of the INFRA Leverage Pilot funds will be awarded to rural projects, as defined in Section C.6.

iii. Rural

The Department will make awards under the Rural program. All funding under this program will be awarded to projects defined as rural projects, as defined in Section C.6. BIL specifies that at least 90 percent of Rural grant amounts must be at least $25 million, and up to 10 percent of Rural grants may be for grant amounts of less than $25 million. BIL specifies that 15 percent of the Rural program funds shall be reserved for eligible projects located in States that have rural roadway fatalities as a result of lane departures that are greater than the average of rural roadway fatalities as a result of lane departures in the United States.[18] This is defined based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT. BIL specifies that 25 percent of the Rural program funds shall be reserved for eligible projects that further the completion of designated routes of the Appalachian Development Highway System under section 14501 of title 40 U.S.C.

6. Other Submission Requirements

a. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

[17] On April 4, 2022 the Federal government will stop using the Data Universal Numbering System (DUNS) number to uniquely identify entities. At that point, entities doing business with the Federal government will use a Unique Entity Identifier (UEI) created in *SAM.gov*. If your entity is currently registered in *SAM.gov*, your UEI has already been assigned and is viewable in *SAM.gov*. This includes inactive registrations.

[18] States with above average rural roadway departure fatalities (based on five-year rolling average of rural roadway departure fatality rate per 100 million VMT) include: Alabama; Alaska; Arkansas; Idaho; Iowa; Kansas; Kentucky; Louisiana; Maine; Mississippi; Missouri; Montana; Nebraska; New Mexico; North Carolina; North Dakota; Oklahoma; Oregon; South Carolina; South Dakota; Tennessee; Vermont; West Virginia; Wyoming.

b. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined below.

c. Late Application Policy

Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact *MPDGrants@dot.gov* prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

1. Details of the technical issue experienced;
2. Screen capture(s) of the technical issues experienced along with corresponding *Grants.gov* ''Grant tracking number'';
3. The ''Legal Business Name'' for the applicant that was provided in the SF–424;
4. The AOR name submitted in the SF–424;
5. The UEI number associated with the application; and
6. The *Grants.gov* Help Desk Tracking Number.

To ensure a fair competition of limited competitive funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contacts the *Grants.gov* Help Desk to validate reported technical issues, the Department staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov*. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

i. Overall Application Rating

The Department will assign each eligible project a rating of highly recommended, recommended, or not recommended for each of the grant programs for which the applicant is applying. The rating will be assigned by the Department on the following basis:

A rating of ''Not Recommended'' will be assigned to projects that:

- The Department determines do not meet one or more statutory requirements for award, or additional information is required for one or more statutory requirements; or
- Receive a low rating in one or more of project outcome, economic analysis, or project readiness; or
- Are otherwise identified by the Senior Review Team to not be suitable for a grant award based on its weakness within a Project Outcome Area.

A rating of ''Highly Recommended'' will be assigned to projects that:

- The Department determines meet all statutory requirements for award and receive high ratings in all of project outcomes, economic analysis, and project readiness; or
- Meet all statutory requirements for award and are otherwise determined by the Senior Review Team to be an exemplary project of national or regional significance that generates significant benefits in one of the project outcome areas.

A rating of ''Recommended'' will be assigned to projects that:

- The Department determines meet all statutory requirements for award; and
- Are not otherwise assigned a ''Highly Recommended or ''Not Recommended'' rating.

ii. Project Outcome Criteria

The Department will consider the extent to which the project addresses the following project outcome criteria, which are explained in greater detail below and reflect the key program objectives described in Section D.V: (1) Safety; (2) state of good repair; (3) economic impacts, freight movement, and job creation; (4) climate change, resiliency, and the environment; (5) equity, multimodal options, and quality of life; and (6) innovation areas: technology, project delivery, and financing. For each project outcome area, the Project Outcome Analysis team will assign a 0, 1, 2, or 3 according to the guidelines below.

	0	1	2	3
Rating Scale	The project negatively affects this outcome area OR the application contains insufficient information to assess this outcome area.	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	The project has clear and direct benefits in this outcome area stemming from adopting common practices for planning, designing or building infrastructure.	The project has clear and direct, data-driven, and significant benefits in this outcome area, that are well supported by the evidence in the application

The Department is neither weighting these criteria nor is a project required to score highly in each criterion, but project sponsors are encouraged to propose projects that score highly in as many areas as possible. The Department will assign a high, medium-high, medium, medium-low, and low project outcome rating on the following basis:

Score	Rating
At least three 3's, no 0's	High.
At least one 3, no 0's	Medium-High.
No 3's, no 0's	Medium.
No more than one 0	Medium-Low.
Two or more 0's	Low.

Criterion #1: Safety

The Department will assess how the project targets a known safety problem and seeks to protect motorized and non-motorized travelers and communities, including vulnerable users, from health and safety risks. The Department will consider the project's estimated impacts on the number, rate, and consequences of crashes, fatalities and serious injuries among transportation users; the degree to which the project addresses vulnerable roadway users; and the degree to which the project addresses inequities in crash victims; the project's incorporation of roadway design and technology that is proven to improve safety. Applicants are encouraged to support actions and activities identified in the National Roadway Safety Strategy (National Roadway Safety Strategy | US Department of Transportation).[19]

The Department is also focused on the national priority of addressing the shortage of long-term parking for commercial motor vehicles on the

[19] *https://www.transportation.gov/NRSS https://www.transportation.gov/NRSS.*

National Highway System. Projects which increase access to truck parking generate safety benefits for motorized and non-motorized users as well as commercial vehicle operators.

Score	Safety criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example: The project will result in minimal improvements to safety, with little impact on the number of crashes, fatalities, or serious injuries to the traveling public.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example: The project results in measurable reductions in crashes, fatalities, or serious injuries to the traveling public, including vulnerable roadway users, by adopting actions and activities identified in the National Roadway Safety Strategy.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project targets a well-known safety problem; results in a significant reduction in fatalities or serious injuries to motorized and nonmotorized users. The project incorporates innovative roadway design or technology aimed at protecting the health and safety of vulnerable roadway users.

Criterion #2: State of Good Repair

DOT will assess whether and to what extent the project: (1) Is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair, including Department-required asset management plans; and (2) addresses current and projected vulnerabilities that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth. The Department will also consider whether the project includes a plan to maintain the transportation infrastructure built with grant funds in a state of good repair. The Department will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, and support commerce and economic growth. Projects that represent routine or deferred maintenance will be less competitive in this criterion. Per FHWA's published *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*,[20] the Department encourages applicants to improve the condition and safety of existing State and locally-owned transportation infrastructure within the right-of-way.

Score	State of good repair criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example: The project is identified in the sponsor's Asset Management Plan, but it is difficult to verify that the infrastructure asset will operate at a full level of performance after the project improvements.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example: The project is identified in the sponsor's Asset Management Plan and will repair or rebuild an infrastructure asset so that will operate at a full level of performance.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project is identified in the sponsor's Asset Management Plan, will repair or rebuild an infrastructure asset so that will operate at a full level of performance, and is designed to significantly reduce future operation and maintenance costs throughout the asset life, beyond the costs saved from the initial project expenditure, and/or that will significantly lengthen the standard useful life of the asset.

Criterion #3: Economic Impacts, Freight Movement, and Job Creation

The Department will assess the degree to which the project contributes to one or more of the following outcomes (1) improve system operations to increase travel time reliability and manage travel demand for goods movement, especially strengthening the resilience and expanding the capacity of critical supply chain bottlenecks, to promote economic security and improve local and regional freight connectivity to the national and global economy; (2) improve multimodal transportation systems that incorporate affordable transportation options such as public transit to improve mobility of people and goods; (3) decrease transportation costs and improve access, through reliable and timely access, to employment centers and job opportunities; (4) offer significant regional and national improvements in economic strength by increasing the economic productivity of land, capital, or labor, and improving the economic strength of regions and cities; (5) enhance recreational and tourism opportunities by providing access to Federal land, national parks, national forests, national recreation areas, national wildlife refuges, wilderness areas, or State parks; (6)) result in high quality job creation by supporting good-paying jobs with a free and fair choice to join a union, in project construction and in on-going operations and maintenance, and incorporate strong

[20] *https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building_a_better_america-policy_framework.pdf.*

labor standards, such as through the use of project labor agreements, registered apprenticeship programs, and other joint labor-management training programs;[21] (7) result in workforce opportunities for historically underrepresented groups, such as through the use of local hire provisions or other workforce strategies targeted at or jointly developed with historically underrepresented groups, to support project development; (8) foster economic growth and development while creating long-term high quality jobs, while addressing acute challenges, such as energy sector job losses in energy communities as identified in the report released in April 2021 by the interagency working group established by section 218 of Executive Order 14008; (9) Support integrated land use, economic development, and transportation planning to improve the movement of people and goods and local fiscal health, and facilitate greater public and private investments and strategies in land-use productivity, including rural main street revitalization or increase in the production or preservation of location-efficient housing or (10) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S. and facilitating efficient and reliable freight movement.

Score	Economic impacts, freight movement, and job creation criterion	Example
0	The project negatively impacts this project outcome area	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example 1: The project sponsor provides some justification, but with minimal evidence, that the project will help to positively impact regional economic development in the area or help to offset job losses in the area. Example 2: The project sponsor provides minimal evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example 1: The project sponsor demonstrates some or limited new short-term or long-term job creation as a result of the project and it is documented by a signed letter from a business(es) stating the amount of new jobs to be created, and how the project is vital to the creation of those jobs. Example 2: The project opens additional new tourism or recreational access and is aligned with a plan that demonstrates that intention. Example: 3: The project sponsor demonstrates some evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example 1: The project sponsor demonstrates that the project addresses a national supply chain bottleneck, the main goal of the project is to positively impact that bottleneck, and ample evidence is provided that shows significant national supply chain benefits from the project. Example 2: The project sponsor demonstrates significant creation of good-paying jobs with a free and fair choice to join a union and the incorporation of strong labor standards and practices, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce. This can be documented by a signed letter for a labor union, or worker organization that describes the number and characteristics of high-quality jobs on the project.

Criterion #4: Climate Change, Resiliency, and the Environment

The Department will consider the extent to which the project incorporates considerations of climate change and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change impacts. The Department will evaluate the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of lower-carbon travel modes such as transit and active transportation, improve the resilience of at-risk infrastructure to climate change and other natural hazards, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. DOT will evaluate the extent which the project prevents stormwater runoff that would be a detriment to aquatic species. The Department will also consider whether the project will promote energy efficiency, support fiscally responsible land use and transportation efficient design, facilitate the production or preservation of location-efficient

[21] *https://www.apprenticeship.gov/.*

affordable housing, incorporate electrification or zero emission vehicle infrastructure, increase resiliency and recycle or redevelop brownfield sites, particularly in communities that disproportionally experience climate-change-related consequences. The Department will consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030 *Climate-Related Financial Risk* (86 FR 27967,) and Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Solicitinga and Considering Stakeholder Input* (80 FR 6425.)

The Department will assess whether the project has addressed environmental sustainability, including but not limited to consideration of the following examples:

(1) The project results in greenhouse gas emissions reductions relative to a no-action baseline;

(2) A Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;

(3) The regional transportation improvement program (TIP) or statewide transportation improvement program (STIP) is based on integrated land use and transportation planning and design that increases low-carbon mode travel, reduction of greenhouse gases and vehicle miles traveled or multimodal transportation choices and/or incorporates electrification or zero emission vehicle infrastructure.

(4) The project sponsor has used environmental justice tools such as the EJSCREEN to minimize adverse impacts to environmental justice communities (*https://ejscreen.epa.gov/mapper/*);

(5) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;

(6) The project supports a modal shift in freight (*e.g.,* from highway to rail) or passenger movement (*e.g.,* from driving to transit, walking, and/or cycling) to reduce emissions. The project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions;

(7) The project incorporates electrification infrastructure (*e.g.,* installation of electric vehicle charging stations, zero-emission vehicle infrastructure, or both);

(8) The project promotes energy efficiency;

(9) The project serves the renewable energy supply chains;

(10) The project improves disaster preparedness and resilience to all hazards;

(11) The project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity;

(12) The project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm (*e.g.,* brownfield redevelopment);

(13) The project supports or incorporates the construction of energy- and location-efficient buildings, including residential or mixed-use development; or

(14) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

Score	Climate change, resiliency, and the environment criterion	Example
0	The project negatively impacts this project outcome area.	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example: A Local/Regional/State Climate Action Plan has been prepared but it is difficult to verify with the information provided how the actual project would directly positively impact climate or resiliency.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example 1: The project demonstrates some greenhouse gas emission reduction. Example 2: The project sponsor demonstrates that one of the goals of the project is to improve or enhance resiliency of at-risk infrastructure.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example 1: The project significantly reduces transportation-related air pollution and greenhouse gas emissions from uncoordinated land-use decisions. Example 2: The project sponsor demonstrates that the main goal of the project is to improve or enhance resiliency of at-risk infrastructure and the sponsor has provided ample evidence of increased climate impacts to the project area. Example 3: The project incorporates electrification or zero emission vehicle infrastructure.

Criterion #5: Equity, Multimodal Options, and Quality of Life

The Department will consider the extent to which the project improves quality of life in rural areas or urbanized areas. This may include projects that:

(1) Increase affordable and accessible transportation choices and equity for individuals, including disadvantaged communities;

(2) improve access to emergency care, essential services, healthcare providers, or drug and alcohol treatment and rehabilitation centers;

(3) reduce transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods;

(4) increase the walkability and accessibility for pedestrians and encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car;

(5) enhance the unique characteristics of the community;

(6) proactively address equity [22] or other disparities and barriers to opportunity, through the planning process or through incorporation of design elements;

(7) have engaged, or will engage, diverse people and communities and demonstrate that equity considerations and community input and ownership, particularly among disadvantaged communities, are meaningfully integrated into planning, development, and implementation of transportation investments. Competitive applications should demonstrate strong collaboration and support among a broad range of stakeholders, including community-based organizations, other public or private entities, and labor unions; or

(8) support a Local/Regional/State Equitable Development Plan.

The Department will consider the extent to which the project benefits a historically disadvantaged community or population, or areas of persistent poverty.

(a) In this context, Areas of Persistent Poverty means: (1) Any county that has consistently had greater than or equal to 20 percent of the population living in poverty

[22] Definitions for ''equity'' and ''underserved communities'' are found in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* Sections 2(a) and (b).

during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000 [23] decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census; [24] (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014–2018 5-year data series available from the American Community Survey of the Bureau of the Census; [25] or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) The 1990 decennial census; (b) the 2000 decennial census; and (c) the 2020 Small Area Income Poverty Estimates. This definition is the same as the definition used for the RAISE program. The Department lists all counties and census tracts that meet this definition for Areas of Persistent Poverty at *https://datahub.transportation.gov/stories/s/tsyd-k6ij.*

(b) Historically Disadvantaged Communities—The Department has developed a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this Notice of Funding Opportunity. Consistent with OMB's Interim Guidance for the Justice40 Initiative,[26] Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. This definition is the same as the definition used for the RAISE program. The Department is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at *https://datahub.transportation.gov/stories/s/tsyd-k6ij.*

The Department will assess whether the project proactively addresses equity and barriers to opportunity, including but not limited to the following examples:

(1) An equity impact analysis has been completed for the project;

(2) The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure equity in the overall project delivery and implementation;

(3) The project includes comprehensive planning and policies to promote hiring of underrepresented populations including local and economic hiring preferences and investments in high-quality workforce development programs with supportive services, including labor-management programs, to help train, place, and retain people in good-paying jobs or registered apprenticeship.

(4) The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation;

(5) The project includes new or improved walking and bicycling infrastructure, reduces automobile dependence, and improves access for people with disabilities and proactively incorporates Universal Design; [27]

(6) The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities; or

(7) The project addresses automobile dependence as a form of barrier to opportunity.

The Department will also consider the extent to which the project benefits a Historically Disadvantaged Community or population, or Areas of Persistent Poverty, as defined in Section C of this Notice.

Score	Equity, multimodal options, and quality of life criterion	Example
0	The project negatively impacts this project outcome area.	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example 1: The project sponsor has developed and published a general equity policy statement for their agency but have not demonstrated any other equity considerations for the actual project. Example 2: The project sponsor has created additional multimodal access in conjunction with the project, but only as a minimum project requirement, and not as a result of intentional planning efforts.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example: The project sponsor is supporting workforce development programs, including labor-management programs, local hire provisions and incorporating workforce strategy into project development in a manner that produces non-trivial benefits.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example: The project sponsor includes new and/or greatly improved multimodal and transit access across previously bifurcated disadvantaged neighborhoods, and demonstrates how specifically the disadvantaged neighborhoods will be positively impacted, and how those improvements were as a result of intentional planning and public input.

Criterion #6: Innovation Areas: Technology, Project Delivery, and Financing

Consistent with the Department's Innovation Principles [28] to support workers, to allow for experimentation and learn from failure, to provide opportunities to collaborate, and to be flexible and adapt as technology changes, the Department will assess the extent to which the applicant uses innovative and secure-by-design strategies, including: (1) Innovative technologies, (2) innovative project delivery, or (3) innovative financing.

Innovative Technology: Consistent with the Department's Innovation Principles, the Department will assess innovative and secure-by-design technological approaches to transportation, particularly in relation to automated, connected, and electric vehicles and the detection, mitigation, and documentation of safety risks. When making grant award decisions, the Department will consider any

[23] See *https://www.census.gov/data/tables/time-series/dec/census-poverty.html* for county dataset.

[24] See *https://www.census.gov/data/datasets/2020/demo/saipe/2020-state-and-county.html* for December 2020 Small Area Income Poverty Dataset.

[25] See *https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false* for 2014–2018 five year data series from the American Community Survey.

[26] *https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf.*

[27] ''Universal design'' is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. For more information: *https://www.section508.gov/develop/universal-design/.*

[28] *https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles.*

innovative technological approaches proposed by the applicant, particularly projects that incorporate innovative technological design solutions, enhance the environment for connected, electric, and automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks.

Innovative technological approaches may include, but are not limited to:

- Conflict detection and mitigation technologies (*e.g.,* intersection alerts and signal prioritization);
- Dynamic signaling, smart traffic signals, or pricing systems to reduce congestion;
- Traveler information systems, to include work zone data exchanges;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;
- Applications to automatically capture and report safety-related issues (*e.g.,* identifying and documenting near-miss incidents);
- Vehicle-to-Everything (V2X) Technologies (*e.g.,* technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) Technologies (*e.g.,* digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);
- Vehicle-to-Grid Technologies (*e.g.,* technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Broadband deployment and the installation of high-speed networks concurrent with the transportation project construction;
- Technology at land and seaports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges; or
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users or workers, such as a project to develop, establish, or maintain an integrated mobility management system, a transportation demand management system, or on-demand mobility services.

For innovative safety proposals, the Department will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. The Department will also assess the extent to which the project uses innovative technology that supports surface transportation to significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR 200.216.[29]

Innovative Project Delivery: The Department will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), congestion management, asset management, or long-term operations and maintenance.

The Department also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project delivery and achieve improved outcomes for communities and the environment. The Department's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery.

Innovative Financing: The Department will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing or using congestion pricing or other demand management strategies to address congestion. This includes the use of non-traditional sources of transportation funding to leverage traditional federal sources of funding to expand the overall investment in transportation infrastructure.

Score	Innovation criterion	Example
0	The project negatively impacts this project outcome area.	
1	The project's claimed benefits in this outcome area are plausible but minimal OR the project's claimed benefits in this area are not plausible.	Example: The project references the incorporation of innovative technologies but does not elaborate on the benefits of those technologies or demonstrate how those technologies align with USDOT's innovation principles.
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	Example 1: The project incorporates some or limited amount of materials or construction processes that reduce greenhouse gas emissions. Example 2: The project incorporates innovative technology that advances USDOT innovation goals and employs innovative project delivery methods that will accelerate delivery and achieved improved outcomes.
3	The project produces *significant,* transformative benefits in this outcome area, that are well supported by the evidence in the application.	Example 1: The project incorporates a significant amount of materials or construction processes that reduce greenhouse gas emissions. Example 2: The project will generate significant benefits as a direct result of innovative technology, project delivery approaches, or innovative financing.

iii. Economic Analysis Rating

The Department will consider a project's benefits as compared to its costs to determine whether a project is cost effective and assign an economic analysis rating. To the extent possible, the Department will rely on quantitative, evidence-based and data-supported analysis, in this assessment. Based on the Department's assessment, the Department will assign an economic analysis rating of high, medium-high, medium, medium-low, or low according to the following table:

[29] *https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216.*

Rating	Description
High	The project's benefits will exceed its costs, with a benefit-cost ratio of at least 1.5.
Medium-High	The project's benefits will exceed its costs.
Medium	The project's benefits are likely to exceed its costs.
Medium-Low	The project's costs are likely to exceed its benefits.
Low	The project's costs will exceed its benefits.

iv. Project Readiness Rating

The Department will consider project readiness to assess the likelihood of a successful project. In that project readiness analysis, the Department will consider three evaluation ratings: Environmental Risk, Technical Assessment, and Financial Completeness Assessment. The application should contain a section that explicitly addresses Environmental Risk, but the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation, and results in a rating of ''high risk,'' ''moderate risk,'' or ''low risk.''

The Technical Assessment will be reviewed for all eligible applications and will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient's experience working with Federal agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying DOT regulations, the Americans with Disability Act, and Section 504 of the Rehabilitation Act), previous experience with Department discretionary grant awards and the technical experience and resources dedicated to the project. Technical Assessment ratings will be one of the following: ''certain,'' ''somewhat certain,'' ''uncertain,'' or ''unknown.'' Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of ''uncertain,'' but may result in a rating of ''unknown.''

The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package, and will receive a rating of ''complete, ''partially complete,'' or ''incomplete.'' For projects that receive a rating of ''complete'' and include funding estimates that are based on early stages of design (*e.g.,* less than 30 percent design) or outdated cost estimates, without specified contingency, evaluators may add a comment to note the potential for uncertainty in the estimated project costs. All applicants should describe a plan to address potential cost overruns.

The Project Readiness Ratings described above will be translated to a high, medium-high, medium, medium-low, or low rating, using the table below:

Rating	1	2	3
Technical Assessment	Uncertain: The team is not confident in the applicant's capacity to deliver this project in a manner that satisfies Federal requirements.	Somewhat Certain/Unknown: The team is moderately confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements.	Certain: The team is confident in the applicant's capacity to deliver the project in a manner that satisfies Federal requirements.
Financial Completeness	Incomplete Funding: The project lacks full funding, or one or more Federal or non-Federal match sources are still uncertain as to whether they will be secured in time to meet the project's construction schedule.	Partially Complete/Appear Stable and Highly Likely to be Available: Project funding is not fully committed but appears highly likely to be secured in time to meet the project's construction schedule.	Complete, Stable and Committed: The Project's Federal and non-Federal sources are fully committed—and there is demonstrated funding available to cover contingency/cost increases.
Environmental Review and Permitting Risk.	High Risk: The project has not completed or begun NEPA and there are known environmental or litigation concerns associated with the project.	Moderate Risk: The project has not completed NEPA or secured necessary Federal permits, and it is uncertain whether they will be able to complete NEPA or secure necessary Federal permits in the time necessary to meet their project schedule.	Low Risk: The Project has completed NEPA or it is highly likely that they will be able to complete NEPA and other environmental reviews in the time necessary to meet their project schedule.

Score	Rating
All 3's	High.
Two 3's, one 2	Medium-High.
One 3, two 2's	Medium.
All 2's	Medium-Low.
Any 1's	Low.

v. Additional Considerations

a. Geographic Diversity

By statute, when selecting MPDG projects, the Department must consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural and urban communities. The Department will consider whether the project is located in an Area of Persistent Poverty or a Historically Disadvantaged Community, as defined in Section C of this Notice.

The Department will also consider whether the project is located in the Department or Federally designated area such as a qualified opportunity zone, Empowerment Zone, Promise Zone, or Choice Neighborhood. Applicants can find additional information about each of the designated zones at the sites below:

- *Opportunity Zones:* (*https://opportunityzones.hud.gov/*)
- *Empowerment Zones:* (*https://www.hud.gov/hudprograms/empowerment_zones*)
- *Promise Zones:* (*https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz*)
- *Choice Neighborhoods:* (*https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn*)

A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. The Department will rely on applicant-supplied information to make

this determination and will only consider this if the applicant expressly identifies the designation in their application.

b. Evaluation of Project Requirements

The following describes how the Department will evaluate the statutory Project requirements for the MPDG opportunity.

1. The project will generate (or for Mega, ''is likely to generate'') national or regional economic, mobility, or safety benefits (applicable for Mega, INFRA, and Rural).

A project meets this determination if the Project Outcome Analysis documents national or regional economic, mobility, or safety benefits.

2. The project will be cost effective (applicable for Mega, INFRA, and Rural).

The Department's determination will be based on its estimate of the project's benefits and costs: A project is determined to be cost effective if the Department estimates that the project's benefits will or are likely to exceed its costs.

3. The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. 150 (applicable for INFRA and Rural).

A project meets this requirement if the Project Outcome Analysis documents benefits related to one of the following:

National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

(1) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

(2) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair.

(3) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System.

(4) System reliability.—To improve the efficiency of the surface transportation system.

(5) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(6) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(7) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

4. The project is based on the results of preliminary engineering (applicable for INFRA and Rural).

A project meets this requirement if the application provides evidence that at least one of the following activities has been completed at the time of application submission: Environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, or other work needed to establish parameters for the final design.

5. With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases (applicable for Mega and INFRA).

A project meets this requirement if the application demonstrates that financing sources are dedicated to the proposed project and are highly likely to be available within the proposed project schedule, and if it provides evidence of contingency funding in the project budget.

6. The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor (applicable to INFRA) —or— The project is in significant need of Federal funding (applicable to Mega).

A project meets this requirement if the application demonstrates one or more of the following:

(1) The project scope would be negatively affected if MPDG or other Federal funds were not received.

(2) The project schedule would be negatively affected if MPDG or other Federal funds were not received.

(3) The project cost would materially increase if MPDG or other Federal funds were not received.

7. The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project (applicable to INFRA and Rural).

A project meets this requirement if the proposed project schedule and the evaluation of the project readiness evaluation team indicate that it is reasonably expected to begin construction not later than 18 months after obligation.

8. The applicant has, or will have, sufficient legal, financial, and technical capacity to carry out the project (applicable to Mega).

A project meets this requirement if the EMO team determines, based on the assessment of project readiness evaluation teams, that the applicant has sufficient legal, financial, and technical capacity to carry out the project, as described in Section E.

9. Small INFRA Projects (applicable to Small INFRA projects).

For Small INFRA projects to be selected, the Department must consider the cost effectiveness of the proposed project, the effect of the proposed project on mobility in the State and region in which the project is carried out, and the effect of the proposed project on safety on freight corridors with significant hazards, such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, wildlife crossing onto the roadway, or steep grades. The Department will consider a small INFRA project's cost effectiveness based on the results of the benefit-cost analysis submitted with the application. The Department will consider the effect of the proposed project on mobility as part of the Economic Impacts and Equity Project Outcome Areas. The Department will consider the effect on safety on freight corridors with significant hazards as part of the Climate, Safety, and Economic Impact Project Outcome areas.

vi. Previous Awards

The Department may consider whether the project has previously received an award from the RAISE, INFRA, or other departmental discretionary grant programs.

2. Review and Selection Process

Section E addresses the statutory requirement that the Department describe the methodology that will be used to determine if projects satisfy statutory project requirements, how they will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating.

The MPDG evaluation process consists of a Analysis Phase and Senior Review Phase. In the Analysis Phase, teams will, for each project, determine whether the project satisfies statutory requirements and rate how well it addresses the selection criteria using the rating system described in section E.1. If an applicant opts out of a specific program, then the Department will not consider whether the proposed project meets that program's requirements.

The Senior Review Team will consider the applications and the technical evaluations, assign an overall

rating according to the methodology described above. Once every project has been assigned an overall rating for each program, The SRT will review if the list of Highly Recommended projects under each program is sufficient to satisfy program set-asides and geographic diversity requirements. If not, 'Recommended' projects may be added to each program's proposed list of Projects for Consideration until each program's list can satisfy necessary program set asides and geographic diversity requirements. The SRT can add a Recommended project only if that project directly addresses an identified insufficiency related to the program set-asides, geographic diversity requirements, or to ensure there are sufficient projects to distribute all available funds, *and* the SRT treats all similarly situated Recommended projects the same.

For each program, the SRT will present the list of Projects for Consideration to the Secretary, either collectively or through a representative. The SRT may advise the Secretary on any project on the list of Projects for Consideration, including options for reduced awards, but the Secretary makes final project selections. The Secretary must prioritize selections from among the projects assigned a ''Highly Recommended'' Rating. The Secretary's selections identify the applications that best address program requirements and are most worthy of funding.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at *https://www.transportation.gov/grants/mpdg-announcement*. Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement.

2. Administrative and National Policy Requirements

i. Safety Requirements

The Department will require MPDG projects to meet two general requirements related to safety. First, MPDG projects must be part of a thoughtful, data-driven approach to safety. Each State maintains a strategic highway safety plan.[30] MPDG projects will be required to incorporate appropriate elements that respond to priority areas identified in that plan and are likely to yield safety benefits. Second, MPDG projects will incorporate appropriate safety-related activities that the Federal Highway Administration (FHWA) has identified as ''proven safety countermeasures'' due to their history of demonstrated effectiveness.[31]

After selecting MPDG recipients, the Department will work with those recipients on a project-by-project basis to determine the specific safety requirements that are appropriate for each award.

ii. Program Requirements

(a) Climate Change and Environmental Justice Impact Consideration

Each applicant selected for MPDG grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).[32]

(b) Equity and Barriers to Opportunity

Each applicant selected for MPDG grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).[33]

(c) Labor and Work

Each applicant selected for MPDG grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that project sponsors have the support they need to meet requirements under E.O. 11246, *Equal Employment Opportunity (*30 FR 12319, and as amended). All federally assisted contractors are required to make good faith efforts to meet the goals of 6.9% of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.[34] The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify

[30] Information on State-specific strategic highway safety plans is available at *https://safety.fhwa.dot.gov/shsp/other_resources.cfm.*

[31] Information on FHWA proven safety countermeasures is available at: *https://safety.fhwa.dot.gov/provencountermeasures/.*

[32] An illustrative example of how these requirements are applied to recipients can be found here: *https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions.*

[33] An illustrative example of how these requirements are applied to recipients can be found here: *https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions.*

[34] *https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf.*

projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above $35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under ''Scheduling'' on the Department of Labor website: *https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.*

(d) Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for MPDG grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with *Presidential Policy Directive 21—Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems.*

iii. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by the Department at 2 CFR part 1201. INFRA and Rural grant funds are made available under title 23 of the United States Code and generally subject to the requirements of that title. Consistent with 23 U.S.C. 117(l) and 173(o), for freight projects awarded INFRA grant funds and all projects award Rural grant funds, the project will be treated as if it is located on a Federal-aid highway. The Department will also treat non-Freight projects eligible for INFRA funding under 23 U.S.C. 117(c)(l)(A)(iv–vii) as though they are federal-aid highway projects for the purposes of applying federal requirements. For projects awarded Mega grant funds, the project will be treated in relation to project's modal nature: The requirements of title 23 shall apply to a highway, road or bridge project; the requirements of chapter 53 of title 49 of the United States Code shall apply to a transit project; the requirements of 49 U.S.C. 22905 shall apply to a rail project or component; and, the requirements of 49 U.S.C. 5333 shall apply to any public transportation component of a project. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration administering the project will apply to the projects that receive MPDG grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway, transit, rail, and port grant programs.

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. The Mega, INFRA, and Rural programs are infrastructure programs subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927). All INFRA and Rural projects are subject to the Buy America requirement at 23 U.S.C. 313, as are Mega projects administered by the Federal Highway Administration. Mega projects administered by other OAs will be subject to the Buy America regime applicable to that OA. The Department expects all recipients to be able to complete their project without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23, United States Code, and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds. As another example, Americans with Disabilities Act (ADA) regulations apply to all projects funded under this Notice.

Recipients of Federal transportation funding will be required to comply fully with the ADA, Title VI of the Civil Rights Act of 1964, and all other civil rights requirements. The Department's and the applicable Operating Administrations' Office of Civil Rights may work with awarded projects to ensure full compliance with Federal civil rights requirements.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

MPDG projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Vehicle Safety Regulations, or vehicles that are exempt from Federal Motor Carrier Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

3. Reporting

i. Progress Reporting on Grant Activity

Each applicant selected for an MPDG opportunity grant must submit the Federal Financial Report (SF–425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial

transparency in the MPDG opportunity. In addition, Mega grant recipients will be required to submit a data collection baseline and a Project Outcomes report, as described in Section C.5.i.(c).

ii. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

iii. Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. We may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) Make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Public Law 115–435 (2019) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means ''an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.'' Evidence Act § 101 (codified at 5 U.S.C. 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A–11, Part 6 Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR part 200).

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at *MPDGrants@dot.gov.* In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at *https://www.transportation.gov/grants/mpdg-frequently-asked-questions.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the MPDG Transportation grant selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of, or in support of, any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

The Department protects such information from disclosure to the extent allowed under applicable law. In the event the Department receives a Freedom of Information Act (FOIA) request for the information, the Department will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

2. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts. Except for the information properly marked as described in Section H, the Department may make application narratives publicly available or share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

As required by statute the Department will also publish the overall rating for each project seeking Mega Project funds.

3. Department Feedback on Applications

The Department strives to provide as much information as possible to assist applicants with the application process. The Department will not review applications in advance, but Department staff are available for technical questions and assistance. To efficiently use Department resources, the Department will prioritize interactions with applicants who have not already received a debrief on their FY 2021 INFRA application. Program staff will address questions to *MPDGrants@dot.gov* throughout the application period.

4. Prohibition on Use of Funds To Support or Oppose Union Organizing

MPDG funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

5. MPDG Extra, Eligibility and Designation

The MPDG Extra initiative is aimed at encouraging sponsors with competitive projects that do not receive an MPDG

award to consider applying for TIFIA credit assistance.

Projects for which a MPDG application receives a Highly Recommended rating, as described in Section E, but that are not awarded, are automatically designated *MPDG Extra Projects,* unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. 601(a)(12)) and project size (23 U.S.C. 602(a)(5)) eligibilities. This designation provides the sponsors of these projects the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. Under current policy, TIFIA credit assistance is limited to 33% of eligible project costs unless the applicant provides strong rationale for requiring additional assistance.

Projects designated as MPDG Extra Projects will be announced by the Secretary after MPDG award announcements are made.

For further information about the TIFIA program in general, including details about the types of credit assistance available, eligibility requirements and the creditworthiness review process, please refer to the Build America Bureau Credit Programs Guide, available on the Build America Bureau website: *https://www.transportation.gov/buildamerica/financing/program-guide.*

Disclaimer: A MPDG Extra Project designation does not guarantee that an applicant will receive TIFIA credit assistance, nor does it guarantee that any award of TIFIA credit assistance will be equal to 49% of eligible project costs. Receipt of TIFIA credit assistance is contingent on the applicant's ability to satisfy applicable creditworthiness standards and other Federal requirements.

Issued in Washington, DC, on March 22, 2022.

Peter Paul Montgomery Buttigieg,

Secretary of Transportation.

[FR Doc. 2022–06350 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number: DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Preservation of Records

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring certificated air carriers to preserve accounting records, consumer complaint letters, reservation reports and records, system reports of aircraft movements, etc. Also, public charter operators and overseas military personnel charter operators are required to retain certain contracts, invoices, receipts, bank records and reservation records.

DATES: Written comments should be submitted by May 24, 2022.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0006 by any of the following methods:

Federal eRulemaking Portal: Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *https://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0006.

Title: Preservation of Air Carrier Records—14 CFR part 249.

Form No.: None.

Type of Review: Reinstatement of an expired recordkeeping requirement.

Respondents: Certificated air carriers and charter operators.

Number of Respondents: 89 certificated air carriers, 280 charter operators.

Estimated Time per Response: 3 hours per certificated air carrier, 1 hour per charter operator.

Total Annual Burden: 547 hours.

Needs and Uses: Part 249 requires the retention of records such as: General and subsidiary ledgers, journals and journal vouchers, voucher distribution registers, accounts receivable and payable journals and ledgers, subsidy records documenting underlying financial and statistical reports to DOT, funds reports, consumer records, sales reports, auditors' and flight coupons, air waybills, etc. Depending on the nature of the document, the carrier may be required to retain the document for a period of 30 days to three years. Public charter operators and overseas military personnel charter operators must retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents, and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or charter. These records are retained for six months after completion of the charter program.

Not only is it imperative that carriers and charter operators retain source documentation, but it is critical that DOT has access to these records. Given DOT's established information needs for such reports, the underlying support documentation must be retained for a reasonable period of time. Absent the retention requirements, the support for such reports may or may not exist for audit/validation purposes and the relevance and usefulness of the carrier submissions would be impaired, since

the data could not be verified to the source on a test basis.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this Office of Management and Budget (OMB) approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 17, 2022.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2022–06073 Filed 3–24–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 4970

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 4970, *Tax on Accumulation Distributions of Trusts.*

DATES: Written comments should be received on or before May 24, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *omb.unit@irs.gov.* Please include, ''OMB Number: 1545–0192—Public Comment Request Notice'' in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tax on Accumulation Distribution of Trusts.

OMB Number: 1545–0192.

Project Number: Form 4970.

Abstract: Internal Revenue Code 667 requires a tax to be paid by a beneficiary of domestic or foreign trust on accumulation distributions. Form 4970 is used to compute the tax adjustment attributable to an accumulation distribution and to verify whether the correct tax has been paid on the accumulation distribution.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 30,000.

Estimated Time per Respondent: 1 hr., 25 min.

Estimated Total Annual Burden Hours: 42,900.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 17, 2022.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2022–06290 Filed 3–24–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Form 1098–C

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1098–C, *Contributions of Motor Vehicles, Boats, and Airplanes.*

DATES: Written comments should be received on or before May 24, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *omb.unit@irs.gov.* Please include, ''OMB Number: 1545–1959—Public Comment Request Notice'' in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Contributions of Motor Vehicles, Boats, and Airplanes.

OMB Number: 1545–1959.

Project Number: Form 1098–C.

Abstract: Section 884 of the American Jobs Creation Act of 2004 (Pub. L. 108–357) added paragraph 12 to section 170(f) for contributions of used motor vehicles, boats, and airplanes. Section 170(f)(12) requires that a donee organization provide an acknowledgement to the donor of this type of property and is required to file the same information to the Internal Revenue Service.

Form 1098–C is used to report charitable contributions of motor vehicles, boats, and airplanes after December 31, 2004.

Current Actions: There are no changes being made to this form at this time. However, changes to the estimated number of responses will increase the burden by 1,302 hours. This request is being submitted for renewal purposes.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profits, Individuals or households, Farms, or Not-for-profit institutions.

Estimated Number of Respondents: 110,400.

Estimated Time per Respondent: 18 min.

Estimated Total Annual Burden Hours: 34,224.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 21, 2022.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2022–06328 Filed 3–24–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Guidance Regarding the Transition Tax Under Section 965.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the guidance regarding the transition tax under section 965.

DATES: Written comments should be received on or before May 24, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andrés Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *omb.unit@irs.gov.* Please include, ''OMB Number: 1545–2280—Public Comment Request Notice'' in the Subject line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Ronald J. Durbala, at (202) 317–5746, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding the Transition Tax Under Section 965 and Related Provisions.

OMB Number: 1545–2280.

Project Number: TD 9846.

Abstract: The Tax Cuts and Jobs Act, Section 14103 (Pub. L. 115–97), provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, amended section 965 of the Internal Revenue Code. Because of the amendment, certain taxpayers are required to include in income an amount based on the accumulated post-1986 deferred foreign income of certain corporations that they own either directly or indirectly through other entities. This collection covers the guidance regarding the transition tax under section 965. The regulations affect United States persons with direct or indirect ownership interests in certain foreign corporations.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, Individuals, or households.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 5 hrs.

Estimated Total Annual Burden Hours: 500,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) 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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: March 21, 2022.

Ronald J. Durbala,

IRS Tax Analyst.

[FR Doc. 2022–06329 Filed 3–24–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0004]

Agency Information Collection Activity: Application for Dependency and Indemnity Compensation, Survivors Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Available); Application for Dependency and Indemnity Compensation by a Surviving Spouse or Child—In-Service Death Only; Application for DIC, Survivors Pension, and/or Accrued Benefits

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 24, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0004'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0004'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Authority: Title 38 U.S.C. 1151; 1310; 1541; 1542; 5101(a); and 5121.

Title:

VA Form no.	Title
21P–534	Application for Dependency and Indemnity Compensation, Survivors Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Available).
21P–534a	Application for Dependency and Indemnity Compensation by a Surviving Spouse or Child—In-Service Death Only.
21P–534EZ	Application for DIC, Survivors Pension, and/or Accrued Benefits.

OMB Control Number: 2900–0004.

Type of Review: Revision of a currently approved collection.

Abstract: The VA Form 21P–534 is used to gather the necessary information to determine the eligibility of surviving spouses and children for dependency and indemnity compensation (DIC), death pension, accrued benefits, and death compensation. VA Form 21P–534a is an abbreviated application for DIC that is used only by surviving spouses and children of veterans who died while on active duty service. The VA Form 21P–534EZ is used for the Fully Developed Claims (FDC) program for pension claims, DIC and accrued claims.

VA Form 21P–534EZ has been updated, to include:

• Removed all Parent's DIC questions from the form as this will be covered under the VA Form 21–535, *Application for Dependency and Indemnity Compensation by Parent(s) (Including Accrued Benefits and Death Compensation When Applicable).*

• Updated instructions.

• Added an optional use Survivors Benefits Application Checklist for applicant's benefit to assist in organizing submission of claim.

• Separated Section I and II to include Veteran's Identification Information/Claimant's Identification Information.

• Removed questions—How many times veteran married?/How many times claimant married? as regulations allow.

• Removed mailing address of nursing home or facility from Section

VIII as this is covered in the Worksheet the claimant is directed to complete.

- Added an income source section and updated Section IV instructions to reflect this change.
- Added an Alternate Signer Certification and Signature (Section XVI).
- Restructured Worksheet for An Assisted Living, Adult Daycare, or a Similar Facility and Worksheet for In-Home Attendant Expenses and questions removed for better clarity.
- New standardization data points; to include optical character recognition boxes. This is a non-substantive change.
- The burden has been increased from 25 to 40 minutes as the 25 minute time frame did not fit the length of this form.

No changes have been made to the VA Form 21P–534, and VA Form 21P–534a.

Affected Public: Individuals and households.

Estimated Annual Burden: 130,138 hours.

Estimated Average Burden per Respondent: 43 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 181,588.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–06318 Filed 3–24–22; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0216]

Agency Information Collection Activity: Application for Accrued Amounts Due a Deceased Beneficiary

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 24, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0216'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0216'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Authority: 38 U.S.C. 5121. VA regulated the eligibility criteria 38 CFR 3.1000 through 3.1010.

Title: VA Form 21P–601, Application for Accrued Amounts Due a Deceased Beneficiary.

OMB Control Number: 2900–0216.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21P–601 is used to gather the information necessary to determine a claimant's entitlement to accrued benefits. Accrued benefits are amounts of VA benefits due, but unpaid, to a beneficiary at the time of his or her death. Benefits are paid to eligible survivors based on the priority described in 38 U.S.C. 5121(a). When there are no eligible survivors entitled to accrued benefits based on their relationship to the deceased beneficiary, the person or persons who bore the expenses of the beneficiary's last illness and burial may claim reimbursement for these expenses from accrued amounts.

No changes have been made to this form. The respondent burden has decreased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals and households.

Estimated Annual Burden: 2,725 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,449 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–06343 Filed 3–24–22; 8:45 am]

BILLING CODE 8320–01–P

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