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Presidential Documents

Title 3—

The President

Executive Order 14070 of April 5, 2022

Continuing To Strengthen Americans' Access to Affordable, Quality Health Coverage

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* On January 28, 2021, I signed Executive Order 14009 (Strengthening Medicaid and the Affordable Care Act), establishing that it is the policy of my Administration to protect and strengthen Medicaid and the Affordable Care Act (ACA) and to make high-quality healthcare accessible and affordable for every American. It directs executive departments and agencies (agencies) with authorities and responsibilities related to Medicaid and the ACA to review existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) to determine whether such agency actions are inconsistent with this policy.

Consistent with Executive Order 14009, agencies have taken numerous actions to protect and strengthen Medicaid and the ACA, including:

(a) facilitating the expansion of Medicaid in Missouri and Oklahoma to individuals below 138 percent of the Federal poverty level, which is projected to cover nearly half a million people;

(b) extending Medicaid eligibility to new populations in order to allow pregnant individuals to retain their Medicaid coverage for up to 1 year postpartum, including through initiatives in Illinois, New Jersey, Virginia, and Louisiana;

(c) operating a Special Enrollment Period during 2021 that allowed 2.8 million Americans to newly enroll in coverage under the ACA;

(d) extending the length of the HealthCare.gov Open Enrollment Period by 1 month and operating the most successful Open Enrollment Period ever, with a historic 14.5 million Americans enrolling in coverage through the ACA Marketplaces and an additional 1 million people enrolling in Basic Health Program coverage, resulting in a 20 percent increase over the prior year across both programs combined;

(e) increasing outreach and enrollment funding for organizations that help Americans apply for ACA and Medicaid coverage, including quadrupling the number of trained Navigators to more than 1,500 people in States using HealthCare.gov;

(f) lowering maximum out-of-pocket costs for consumers with employer and ACA coverage by $400 in 2022;

(g) reducing paperwork burdens for people enrolling in Medicaid and the ACA by eliminating unnecessary documentation requirements;

(h) allowing low-income Americans to enroll in affordable ACA coverage year-round;

(i) strengthening Medicaid and ACA section 1332 waiver policies to partner with States to develop innovative coverage options, strengthen benefits, and lower costs;

(j) proposing rules that would better ensure comprehensive and standardized coverage and improve the adequacy of ACA provider networks; and

(k) making efforts to improve the affordability of ACA coverage for families by proposing rules to correct a regulatory gap that prevents family members from accessing ACA subsidies despite very high premiums for coverage through an employer.

On March 11, 2021, I signed into law the American Rescue Plan Act of 2021 (Public Law 117–2), which will further strengthen Medicaid and the ACA in numerous ways, including by making ACA coverage more affordable for 9 million Americans through enhanced ACA subsidies, incentivizing States to adopt the ACA's Medicaid expansion, making it easier for States to extend postpartum Medicaid coverage, establishing new options for States to establish mobile crisis intervention services teams to help provide services to Medicaid beneficiaries experiencing a behavioral health crisis, and increasing Medicaid funding for home- and community-based services to strengthen and expand access to services for millions of seniors and people with disabilities who need care as well as to help States strengthen their programs.

My Administration has made significant progress in making healthcare more affordable and accessible to millions of Americans. From the end of 2020 to September 2021, one in seven uninsured Americans gained coverage, leaving the uninsured rate at nearly an all-time low. Despite this progress, nearly 4 million Americans continue to be locked out of Medicaid expansion because they reside in 1 of the 12 States that have failed to adopt the ACA's Medicaid expansion. In addition, millions more continue to struggle to obtain the care they need, to go without health coverage, or to be enrolled in coverage that is insufficient to meet their needs. The effects of being uninsured or underinsured can be devastating financially, as families without access to affordable coverage may accrue high levels of medical debt.

It remains the policy of my Administration to protect and strengthen Medicaid and the ACA and to make high-quality healthcare accessible and affordable for every American. Agencies with authorities and responsibilities related to Medicaid and the ACA are continuing their review of existing agency actions under Executive Order 14009.

Sec. 2. *Agency Responsibilities.* In addition to taking the actions directed pursuant to Executive Order 14009, agencies (as described in section 3502(1) of title 44, United States Code, except for the agencies described in section 3502(5) of title 44, United States Code) with responsibilities related to Americans' access to health coverage shall review agency actions to identify ways to continue to expand the availability of affordable health coverage, to improve the quality of coverage, to strengthen benefits, and to help more Americans enroll in quality health coverage. As part of this review, the heads of such agencies shall examine the following:

(a) policies or practices that make it easier for all consumers to enroll in and retain coverage, understand their coverage options, and select appropriate coverage;

(b) policies or practices that strengthen benefits and improve access to healthcare providers;

(c) policies or practices that improve the comprehensiveness of coverage and protect consumers from low-quality coverage;

(d) policies or practices that expand eligibility and lower costs for coverage in the ACA Marketplaces, Medicaid, Medicare, and other programs;

(e) policies or practices that help improve linkages between the healthcare system and other stakeholders to address health-related needs; and

(f) policies or practices that help reduce the burden of medical debt on households.

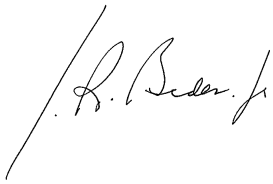
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 5, 2022.

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Rules and Regulations

Federal Register
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OFFICE OF MANAGEMENT AND BUDGET

2 CFR Part 200

Uniform Administrative Requirements, Cost Principles, and Audit Requirements

AGENCY: Office of Management and Budget.

ACTION: Guidance.

SUMMARY: This document provides a technical update for two programs that were included with the 2021 Compliance Supplement (issued on August 13, 2021) and Addendum 1 (issued on December 3, 2021). The two programs are the Department of Health and Human Services (HHS) Assistance Listing 93.498 Provider Relief Fund and Treasury Assistance Listing 21.027 Coronavirus State and Local Fiscal Recovery Funds. This document also offers interested parties an opportunity to comment on the 2021 Technical Update.

DATES:

Effective date: This technical update to the guidance is effective April 8, 2022.

Applicability date: The 2021 Technical Update provides an update to two programs included in the 2021 Compliance Supplement published on August 13, 2021 (86 FR 44573) and Addendum 1 published on December 3, 2021 (86 FR 68533) and applies to fiscal year audits beginning after June 30, 2020.

Comments due: All comments to the 2021 Technical Update must be in writing and received by May 9, 2022. Late comments will be considered to the extent practicable.

ADDRESSES: Comments will be reviewed and addressed, when appropriate, in the 2022 Compliance Supplement. Electronic mail comments may be submitted to: *http://www.regulations.gov.* Please include ''2 CFR Part 200 Subpart F—Audit Requirements, Appendix XI—Compliance Supplement—2021 Technical Update'' in the subject line and the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message. Comments may also be sent to: *GrantsTeam@omb.eop.gov.*

Please note that all public comments received are subject to the Freedom of Information Act and will be posted in their entirety, including any personal and/or business confidential information provided. Do not include any information you would not like to be made publically available.

The 2021 Technical Update to Part 4 of the two programs (described in the **SUPPLEMENTARY INFORMATION** section) is available online on the CFO home page at *https://www.cfo.gov/policies-and-guidance/.*

FOR FURTHER INFORMATION CONTACT: Recipients and auditors should contact their cognizant or oversight agency for audit, or Federal awarding agency, as appropriate under the circumstances. The Federal agency contacts are listed in appendix III of the Supplement. Subrecipients should contact their pass-through entity. Federal agencies should contact Gil Tran at *Hai_M._Tran@omb.eop.gov* or (202) 881–7830 or the OMB Grants team at *GrantsTeam@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The 2021 Technical Update (2 CFR part 200, subpart F, and appendix XI to part 200) provides the following update to these two programs:

- The Department of Health and Human Services (HHS) Assistance Listing 93.498 Provider Relief Fund—the update is to remove Part 4—Section III(N)(1) Special Test and Provisions: Out-of-Network Patient Out-of-Pocket Expenses. HHS has determined that the review requirements are no longer meaningful and applicable to the oversight of this program.
- Treasury Assistance Listing 21.027 Coronavirus State and Local Fiscal Recovery Funds (SLFRF)—the update is to provide in Part 4, Section IV—Other Information an alternative audit approach for eligible SLFRF recipients that would otherwise not be required to undergo an audit under 2 CFR part 200, subpart F, if it was not for the expenditures of SLFRF funds directly awarded by Treasury. This alternative is intended to reduce the burden of a full Single Audit or Program-Specific Audit on eligible recipients (estimated at more than 10,000 entities) and practitioners, as well as uphold Treasury's responsibility to be good stewards of federal funds.

It also provides an update to the Supplement Part 8 Appendix VII to add the alternative compliance examination engagement in accordance with the Government Accountability Office's Government Auditing Standards for eligible recipients of the SLFRF.

Deidre A. Harrison,
Acting Controller.

[FR Doc. 2022–07463 Filed 4–7–22; 8:45 am]
BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170

[NRC–2021–0171]

RIN 3150–AK72

Miscellaneous Corrections

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to make miscellaneous corrections. These changes include correcting an office title, a reference, a misspelling, and two administrative errors, and updating the street address for the NRC's Region I office. This document is necessary to inform the public of these non-substantive amendments to the NRC's regulations.

DATES: This final rule is effective on May 9, 2022.

ADDRESSES: Please refer to Docket ID NRC–2021–0171 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0171. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407;

email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *pdr.resource@nrc.gov.*

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Helen Chang, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3228, email: *Helen.Chang@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is amending its regulations in parts 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170 of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC is making these amendments to correct an office title, a reference, a misspelling, and two administrative errors, and to update the street address for the NRC's Region I office.

II. Summary of Changes

10 CFR Parts 1, 20, 30, 40, 55, 70, and 73

Update Street Address. This final rule revises § 1.5(b)(1), appendix D to 10 CFR part 20, § 30.6(b)(2)(i) and (ii), § 40.5(b)(2)(i) and (ii), § 55.5(b)(2)(i), § 70.5(b)(2)(i) and (ii), and appendix A to 10 CFR part 73 to update the street address for the NRC Region I office.

10 CFR Part 2

Correct Office Title. This final rule amends the definition for *Commission Adjudicatory Employee* in § 2.4 by removing the text ''Deputy General Counsel for Rulemaking and Policy Support'' and adding in its place the text ''Deputy General Counsel for Legislation, Rulemaking, and Agency Administration.'' This change is made to reflect the realignment of the NRC's Office of the General Counsel.

Correct Administrative Error. This final rule amends § 2.101(a)(5) by removing ''an application for a construction permit under part 52 of this chapter'' and adding in its place ''an application for a construction permit under part 50 of this chapter or a combined license under part 52 of this chapter.'' Applications for construction permits are governed by 10 CFR part 50 and combined licenses by 10 CFR part 52. This final rule amends § 2.101(a)(5) to correct this error.

10 CFR Part 50

Correct Reference. This final rule amends footnote 1 to § 50.72 by removing the reference ''72.216'' and adding in its place the references ''72.74, 72.75.'' Section 72.216 was deleted in a 2003 final rule (68 FR 33611; June 5, 2003), and the immediate notification requirements are currently contained in §§ 72.74 and 72.75.

10 CFR Part 70

Correct Spelling. This final rule amends the introductory text of § 70.61(b) to remove the text ''paragrahs'' and add in its place the text ''paragraphs.''

10 CFR Part 170

Correct Administrative Error. This final rule revises fee categories B and D in table 1 to § 170.21 to conform to a previous rulemaking. The 2007 final rule, ''Licenses, Certifications, and Approvals for Nuclear Power Plants'' (72 FR 49351; August 28, 2007), added a new § 52.153, ''Relationship to other subparts,'' to explain how subpart F to 10 CFR part 52 relates to other licensing processes in 10 CFR parts 50 and 52, as well as to the regulatory approvals in 10 CFR part 52. The final rule removed the reference to ''preliminary or final'' design approvals contained in § 52.153(b) of the proposed rule, inasmuch as the final rule does not provide for preliminary design approvals. Therefore, this final rule makes conforming changes by revising fee categories B and D in table 1 to § 170.21 to remove the references to ''preliminary or final'' design approvals and replace them with references to ''standard'' design approvals. Fee category D is further revised to add a comma after the word ''Amendment'' in ''Amendment, Renewal, Other Approvals'' for conformity and clarity.

III. Rulemaking Procedure

Under section 553(b) of the Administrative Procedure Act (5 U.S.C.553(b)), an agency may waive publication in the **Federal Register** of a notice of proposed rulemaking and opportunity for comment requirements if it finds, for good cause, that it is impracticable, unnecessary, or contrary to the public interest. As authorized by 5 U.S.C. 553(b)(3)(B), the NRC finds good cause to waive notice and opportunity for comment on these amendments, because notice and opportunity for comment is unnecessary. The amendments will have no substantive impact and are of a minor and administrative nature dealing with corrections to certain CFR sections or are related only to management, organization, procedure, and practice. Specifically, the revisions correct an office title, a reference, a misspelling, and two administrative errors, and update the street address for the NRC's Region I office. The Commission is exercising its authority under 5 U.S.C. 553(b) to publish these amendments as a final rule. The amendments are effective May 9, 2022. These amendments do not require action by any person or entity regulated by the NRC and do not change the substantive responsibilities of any person or entity regulated by the NRC.

IV. Backfitting and Issue Finality

The NRC has determined that the corrections in this final rule would not constitute backfitting as defined in § 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests.'' These corrections also would not constitute forward fitting as that term is defined and described in MD 8.4 or affect the issue finality of any approval issued under 10 CFR part 52. The amendments are non-substantive in nature, including correcting an office title, a reference, a misspelling, and two administrative errors, and updating the street address for the NRC's Region I office. They impose no new requirements and make no substantive changes to the regulations. The corrections do not involve any provisions that would impose backfits as defined in 10 CFR chapter I, or that would be inconsistent with the issue finality provisions in 10 CFR part 52. For these reasons, the issuance of this final rule would not constitute backfitting or be inconsistent with any of the issue finality provisions in 10 CFR part 52. Therefore, the NRC has not prepared any additional documentation for this correction rulemaking addressing backfitting or issue finality.

V. Plain Writing

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

VI. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in § 51.22(c)(2), which categorically excludes from environmental review rules that are corrective or of a minor, nonpolicy nature and do not substantially modify existing regulations. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

VII. Paperwork Reduction Act

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

VIII. Congressional Review Act

This final rule is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808).

IX. Compatibility of Agreement State Regulations

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), NRC program elements (including regulations) are placed into compatibility categories A, B, C, D, NRC, or adequacy category Health and Safety (H&S). Compatibility Category A program elements are those program elements that are basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. An Agreement State should adopt Category A program elements in an essentially identical manner in order to provide uniformity in the regulation of agreement material on a nationwide basis. Compatibility Category B program elements are those program elements that apply to activities that have direct and significant effects in multiple jurisdictions. An Agreement State should adopt Category B program elements in an essentially identical manner. Compatibility Category C program elements are those program elements that do not meet the criteria of Category A or B but contain the essential objectives that an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a national basis. An Agreement State should adopt the essential objectives of the Category C program elements. Compatibility Category D program elements are those program elements that do not meet any of the criteria of Category A, B, or C and, therefore, do not need to be adopted by Agreement States for purposes of compatibility. Compatibility Category NRC program elements are those program elements that address areas of regulation that cannot be relinquished to the Agreement States under the Atomic Energy Act of 1954, as amended, or provisions of 10 CFR. These program elements should not be adopted by the Agreement States. Compatibility Category H&S program elements are program elements that are required because of a particular health and safety role in the regulation of agreement material within the State and should be adopted in a manner that embodies the essential objectives of the NRC program. The portions of this final rule that amend 10 CFR parts 20, 30, 40, and 70 are a matter of compatibility between the NRC and the Agreement States, thereby providing consistency among Agreement State and NRC requirements, and are listed in the following table. The changes to 10 CFR parts 1, 2, 50, 55, 73, and 170 categories are not subject to Agreement State jurisdiction and consequently are not required for compatibility.

COMPATIBILITY TABLE

Section	Change	Subject	Compatibility	
			Existing	New
Part 20				
Appendix D	Amend	United States Regulatory Commission Offices	D	D
Part 30				
§ 30.6(b)(2)(i) and (ii)	Amend	Communications	D	D
Part 40				
§ 40.5(b)(2)(i) and (ii)	Amend	Communications	D	D
Part 70				
§ 70.5(b)(2)(i) and (ii)	Amend	Communications	D	D
§ 70.61	Amend	Performance requirements	NRC	NRC

List of Subjects

10 CFR Part 1

Flags, Organization and functions (Government agencies), Seals and insignia.

10 CFR Part 2

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

10 CFR Part 20

Byproduct material, Criminal penalties, Hazardous waste, Licensed material, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear energy, Nuclear materials, Penalties, Radiation protection, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 40

Criminal penalties, Exports, Government contracts, Hazardous materials transportation, Hazardous waste, Nuclear energy, Nuclear materials, Penalties, Reporting and recordkeeping requirements, Source material, Uranium, Whistleblowing.

10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Emergency planning, Fire prevention, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements.

10 CFR Part 70

Classified information, Criminal penalties, Emergency medical services, Hazardous materials transportation, Material control and accounting, Nuclear energy, Nuclear materials, Packaging and containers, Penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material, Whistleblowing.

10 CFR Part 73

Criminal penalties, Exports, Hazardous materials transportation, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 170

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

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

Authority: Atomic Energy Act of 1954, secs. 23, 25, 29, 161, 191 (42 U.S.C. 2033, 2035, 2039, 2201, 2241); Energy Reorganization Act of 1974, secs. 201, 203, 204, 205, 209 (42 U.S.C. 5841, 5843, 5844, 5845, 5849); Administrative Procedure Act (5 U.S.C. 552, 553); Reorganization Plan No. 1 of 1980, 5 U.S.C. Appendix (Reorganization Plans).

■ 2. In § 1.5, revise paragraph (b)(1) to read as follows:

§ 1.5 Location of principal offices and regional offices.

* * * * *

(b) * * *

(1) Region I, U.S. NRC, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415.

* * * * *

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

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

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

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

§ 2.4 [Amended]

■ 4. In § 2.4, amend the definition of ''Commission adjudicatory employee'' by removing the text ''Deputy General Counsel for Rulemaking and Policy Support'' and adding in its place the text ''Deputy General Counsel for Legislation, Rulemaking, and Agency Administration''.

§ 2.101 [Amended]

■ 5. In § 2.101(a)(5), remove the text ''an application for a construction permit under part 52 of this chapter'' and add in its place the text ''an application for a construction permit under part 50 of this chapter or a combined license under part 52 of this chapter''.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

■ 6. The authority citation for part 20 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 53, 63, 65, 81, 103, 104, 161, 170H, 182, 186, 223, 234, 274, 1701 (42 U.S.C. 2014, 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2210h, 2232, 2236, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Low-Level Radioactive Waste Policy Amendments Act of 1985, sec. 2 (42 U.S.C. 2021b); 44 U.S.C. 3504 note.

■ 7. In appendix D to part 20, revise the second entry in the table to read as follows:

APPENDIX D TO PART 20—UNITED STATES NUCLEAR REGULATORY COMMISSION REGIONAL OFFICES

	Address	Telephone (24 hour)	Email
* * *	*	*	* *
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	USNRC, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415.	(610) 337–5000, (800) 432–1156 TDD: (301) 415–5575.	*RidsRgn1MailCenter@nrc.gov.*
* * *	*	*	* *

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

■ 8. The authority citation for part 30 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 81, 161, 181, 182, 183, 184, 186, 187, 223, 234, 274 (42 U.S.C. 2014, 2111, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); 44 U.S.C. 3504 note.

§ 30.6 [Amended]

■ 9. Amend § 30.6(b)(2)(i) and (ii) by removing the address ''U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713'' and adding in its place the address ''U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415''.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

■ 10. The authority citation for part 40 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 62, 63, 64, 65, 69, 81, 83, 84, 122, 161, 181, 182, 183, 184, 186, 187, 193, 223, 234, 274, 275 (42 U.S.C. 2092, 2093, 2094, 2095, 2099, 2111, 2113, 2114, 2152, 2201, 2231, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2022); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Uranium Mill Tailings Radiation Control Act of 1978, sec. 104 (42 U.S.C. 7914); 44 U.S.C. 3504 note.

§ 40.5 [Amended]

■ 11. Amend § 40.5(b)(2)(i) and (ii) by removing the address ''U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713'' and adding in its place the address ''U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415''.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 12. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, 94 Stat. 783.

§ 50.72 [Amended]

■ 13. In footnote 1 to § 50.72, remove the reference ''72.216'' and add in its place the references ''72.74, 72.75''.

PART 55—OPERATORS' LICENSES

■ 14. The authority citation for part 55 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 107, 161, 181, 182, 183, 186, 187, 223, 234 (42 U.S.C. 2137, 2201, 2231, 2232, 2233, 2236, 2237, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); 44 U.S.C. 3504 note.

§ 55.5 [Amended]

■ 15. Amend § 55.5(b)(2)(i) by removing the address ''U.S. Nuclear Regulatory Commission, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713'' and adding in its place the address ''U.S. Nuclear Regulatory Commission, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415''.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

■ 16. The authority citation for part 70 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57(d), 108, 122, 161, 182, 183, 184, 186, 187, 193, 223, 234, 274, 1701 (42 U.S.C. 2071, 2073, 2077(d), 2138, 2152, 2201, 2232, 2233, 2234, 2236, 2237, 2243, 2273, 2282, 2021, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

Section 70.21(g) also issued under Atomic Energy Act sec. 122 (42 U.S.C. 2152).

Section 70.31 also issued under Atomic Energy Act sec. 57(d) (42 U.S.C. 2077(d)).

Sections 70.36 and 70.44 also issued under Atomic Energy Act sec. 184 (42 U.S.C. 2234).

Section 70.81 also issued under Atomic Energy Act secs. 186, 187 (42 U.S.C. 2236, 2237).

Section 70.82 also issued under Atomic Energy Act sec. 108 (42 U.S.C. 2138).

§ 70.5 [Amended]

■ 17. Amend § 70.5(b)(2)(i) and (ii) by removing the address ''U.S. Nuclear Regulatory Commission, Region I, Nuclear Material Section B, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406–2713'' and adding in its place the address ''U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415''.

§ 70.61 [Amended]

■ 18. In § 70.61, amend paragraph (b) introductory text by removing the text ''paragrahs (b)(1)-(4)'' and adding in its place the text ''paragraphs (b)(1) through (4)''.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

Authority: Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 170D, 170E, 170H, 170I, 223, 229, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2210d, 2210e, 2210h, 2210i, 2273, 2278a, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(b)(2) also issued under Sec. 301, Public Law 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 20. In appendix A to part 73, revise the second entries in both tables to read as follows:

APPENDIX A TO PART 73—U.S. NUCLEAR REGULATORY COMMISSION OFFICES AND CLASSIFIED MAILING ADDRESSES

	Address	Telephone (24 hour)	Email
* * *	*	*	* *
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	USNRC, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415.	(610) 337–5000, (800) 432–1156 TDD: (301) 415–5575.	*RidsRgn1MailCenter@nrc.gov.*
* * *	*	*	* *

CLASSIFIED MAILING ADDRESSES

	Addresses
* * *	* * * *
Region I	U.S. NRC, 475 Allendale Road, Suite 102, King of Prussia, PA 19406–1415.
* * *	* * * *

* * * * *

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

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

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

■ 22. In § 170.21, revise fee categories B and D in table 1 to read as follows:

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

* * * * *

TABLE 1 TO § 170.21—SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1] [2]
* * * * * * *	
B. Standard Reference Design Review:	
Standard Design Approvals, Certification	Full Cost.
Amendment, Renewal, Other Approvals	Full Cost.
* * * * * * *	
D. Manufacturing License:	
Application for Construction	Full Cost.
Standard Design Approval	Full Cost.
Amendment, Renewal, Other Approvals	Full Cost.
Inspections [3]	Full Cost.
* * * * * * *	

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

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

[3] Inspections covered by this schedule are both routine and non-routine safety and safeguards inspections performed by the NRC for the purpose of review or follow-up of a licensed program. Inspections are performed through the full term of the license to ensure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, other legislation, Commission regulations or orders, and the terms and conditions of the license. Non-routine inspections that result from third-party allegations will not be subject to fees.

* * * * *

Dated: April 5, 2022.

For the Nuclear Regulatory Commission.

Cindy K. Bladey,

Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–07610 Filed 4–7–22; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0957; Project Identifier AD–2021–00469–T; Amendment 39–21993; AD 2022–07–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–8F and 747–8 series airplanes. This AD was prompted by a report of unusual flight instrument and engine indication and crew alerting system (EICAS) behavior. This AD requires inspecting the left, center, and right electronic flight instrument system (EFIS)/EICAS interface unit (EIU) for certain serial numbers and replacement if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 13, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 13, 2022

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0957.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0957; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jeffrey Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; email: *jeffrey.w.palmer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 747–8F and 747–8 series airplanes. The NPRM published in the **Federal Register** on November 15, 2021 (86 FR 62960). The NPRM was prompted by a report of unusual flight instrument and EICAS behavior. In the NPRM, the FAA proposed to require inspecting the left, center, and right EFIS/EIU for certain serial numbers and replacement if necessary. The FAA is issuing this AD to address the possible display of incorrect information in the integrated display system (IDS). This condition, if not addressed, could result in reduced ability of the flightcrew to maintain continued safe flight and landing of the aircraft.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, including Boeing, an individual, and Qatar Airways. The following presents the comments received on the NPRM and the FAA's response.

Request To Add Missing Serial Number to List of Affected EIUs

Boeing and Qatar Airways requested a change to the proposed AD to add serial number 181MR2 to the list of affected EIUs. The commenters noted that the unit was inadvertently excluded from the affected serial number list in Figure 1 of Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021. Qatar Airways noted that Boeing stated that the service information will be revised to include this EIU serial number. Qatar Airways added that including the affected EIU will ensure that affected part does not remain in service while eliminating the need to obtain an alternative method of compliance (AMOC) for accomplishing the actions required by this AD on that EIU.

The FAA agrees with the request. The FAA has confirmed that this is an affected EIU and that the operator with the EIU having serial number 181MR2 is aware that it is affected and plans to replace the unit as required by this AD. The FAA has added paragraph (h)(2) of this AD to clarify that serial number 181MR2 is also an affected EIU. The FAA has also redesignated paragraph (h) of the proposed AD as paragraph (h)(1) of this AD.

Request for Information About Registered Airplanes

An individual commenter asked how the information about the number of affected airplanes was gathered and how many non-U.S. registered planes are affected by the proposed AD.

The FAA gathers this information from public records and from the airplane manufacturer. According to those sources, 68 of the airplanes affected by this AD are registered outside of the United States.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021. This service information specifies procedures for doing an inspection or a review of the maintenance and delivery records of the left, center, and right EIUs for any affected serial number, and replacing each affected EIU.

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

Costs of Compliance

The FAA estimates that this AD affects 8 airplanes of U.S. registry. The

FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85	$0	$85	$680

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 3 work-hours × $85 per hour = Up to $255	Up to $9,600	Up to $9,855.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–07–06 The Boeing Company: Amendment 39–21993; Docket No. FAA–2021–0957; Project Identifier AD–2021–00469–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 13, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–8F and 747–8 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021.

(d) Subject

Air Transport Association (ATA) of America Code 31, Instruments.

(e) Unsafe Condition

This AD was prompted by a report of unusual flight instrument and engine indication and crew alerting system (EICAS) behavior. The FAA is issuing this AD to address the possible display of incorrect information in the integrated display system (IDS). This condition, if not addressed, could result in reduced ability of the flightcrew to maintain continued safe flight and landing of the aircraft.

(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 747–31A2565 RB, Revision 1, dated September 14, 2021, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–31A2565, Revision 1, dated September 14, 2021, which is referred to in Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021, uses the phrase ''the Original Issue date of Requirements Bulletin 747–31A2565 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Table 1 in Figure 1 of Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021, lists affected EICAS interface unit (EIU) serial numbers, for this AD serial number 181MR2 is also an affected serial number.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert

Requirements Bulletin 747–31A2565 RB, dated April 27, 2021.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

(1) For more information about this AD, contact Jeffrey Palmer, Aerospace Engineer, Systems and Equipment Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5351; email: *jeffrey.w.palmer@faa.gov.*

(2) For information about AMOCs, contact Frank Carreras, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3539; email: *frank.carreras@faa.gov.*

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 747–31A2565 RB, Revision 1, dated September 14, 2021.

(ii) [Reserved]

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

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

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

Issued on March 17, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07414 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0007; Project Identifier 2018–CE–048–AD; Amendment 39–22002; AD 2022–07–14]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Viking Air Limited (type certificate previously held by Bombardier Inc. and de Havilland, Inc.) Model DHC–6–400 airplanes. This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion of the fuel system components located in the fuel gallery due to inadequate corrosion protection. This AD requires repetitively inspecting the fuel gallery for corrosion, rectifying any deficiencies, and accomplishing modifications to the fuel gallery system. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 13, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 13, 2022.

ADDRESSES: For service information identified in this final rule, contact Viking Air Limited Technical Support, 1959 de Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com*; website: *https://www.vikingair.com/support/service-bulletins.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. Service information that is incorporated by reference is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0007.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0007; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial-numbered Viking Air Limited (type certificate previously held by Bombardier Inc. and de Havilland, Inc.) Model DHC–6–400 airplanes. The NPRM published in the **Federal Register** on January 21, 2022 (87 FR 3238). The NPRM was prompted by MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF–2018–07, dated February 23, 2018 (referred to after this as ''the MCAI''), to address an unsafe condition on certain serial-numbered Viking Air Limited Model DHC–6–400 airplanes. The MCAI states:

> There have been reports of corrosion affecting components of the fuel system that are located in the fuel gallery because of inadequate corrosion protection. This condition affects only aeroplanes operating on floats.
>
> The effects of corrosion-related damage to fuel system components have included fuel

leaks, electrical arcing, loss of fuel boost pump function and erroneous fuel quantity readings. Inaccurate fuel quantity indication and loss of fuel boost pump function can lead to fuel starvation followed by loss of engine power. Electrical arcing in the fuel gallery and loss of electrical bonding between fuel system components increases the risk of fire.

The MCAI requires repetitively inspecting the fuel gallery for corrosion, rectifying any deficiencies, and accomplishing modifications to the fuel gallery system. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0007.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment on the NPRM from an individual. The commenter supported the NPRM without change.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Viking DHC–6 Twin Otter Service Bulletin No. V6/0044, Revision B, dated September 13, 2021. The service information specifies incorporating multiple design improvement modifications in the fuel gallery.

The FAA also reviewed Temporary Revision No. 241, dated July 27, 2021, to the Viking DHC–6 Inspection Requirements Manual, PSM 1–6–7. Items 15.(1) and 15.(2) of this service information specify rinsing and inspecting the entire fuel gallery for corrosion; removing corrosion; reapplying any protective finishes; and removing and replacing any damaged components. The temporary revision updates the fuel gallery inspection to include airplanes with a new fuel probe (Modification (MOD) 6/2395).

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

Other Related Service Information

The FAA reviewed the following technical bulletins, which contain instructions for the different modifications to components in the fuel gallery:

- Viking DHC–6 Twin Otter Technical Bulletin No. TBV6/00034, Revision NC, dated October 16, 2013 (MOD 6/2267);
- Viking DHC–6 Twin Otter Technical Bulletin No. TBV6/00084, Revision A, dated May 26, 2017 (MOD 6/2299);
- Viking DHC–6 Twin Otter Technical Bulletin No. V6/00099, Revision NC, dated December 23, 2016 (MOD 6/2389);
- Viking DHC–6 Twin Otter Technical Bulletin No. TBV6/00094, Revision NC, dated November 1, 2016 (MOD 6/2390);
- Viking DHC–6 Twin Otter Technical Bulletin No. V6/00100, Revision NC, dated February 20, 2017 (MOD 6/2393); and
- Viking DHC–6 Twin Otter Technical Bulletin No. V6/00152, Revision NC, dated January 29, 2021 (MOD 6/2464).

Costs of Compliance

The FAA estimates that this AD affects 4 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Inspect fuel gallery	3 work-hours × $85 per hour = $255.	Not applicable	$255 per inspection cycle	$1,020 per inspection cycle.
MOD 6/2267—Fuel boost pump EMI filter relocation.	16 work-hours × $85 per hour = $1,360.	$4,762	$6,122	$12,244 (for 2 affected airplanes).
MOD 6/2299—Improved fuel boost pump.	17 work-hours × $85 per hour = $1,445.	$42,290	$43,735	$131,205 (for 3 affected airplanes).
MOD 6/2389—Electrical Bonding Fuel System Manifold Drain Valve.	18 work-hours × $85 per hour = $1,530.	$572	$2,102	$8,408 (for 4 affected airplanes).
MOD 6/2390—Fuel probe, improved mating electrical connection.	20 work-hours × $85 per hour = $1,700.	$2,129	$3,829	$11,487 (for 3 affected airplanes).
MOD 6/2393—Fuel system manifold—drain valve.	8 work-hours × $85 per hour = $680.	$225	$905	$3,620 (for 4 affected airplanes).
MOD 6/2464—Fuel pressure switch replacement.	10 work-hours × $85 per hour = $850.	$3,953	$4,803	$14,409 (for 3 affected airplanes).

On-Condition Costs

The extent of corrosion damage found during the inspections may vary significantly from airplane to airplane. The FAA has no way of determining how much corrosion damage may be found on each airplane, the cost for repairing corrosion damage on each airplane, or the number of airplanes that may require repair.

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–07–14 Viking Air Limited (Type Certificate Previously Held by Bombardier Inc. and de Havilland, Inc.): Amendment 39–22002; Docket No. FAA–2022–0007; Project Identifier 2018–CE–048–AD.

(a) Effective Date

This airworthiness directive (AD) is effective May 13, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Viking Air Limited (type certificate previously held by Bombardier Inc. and de Havilland, Inc.) Model DHC–6–400 airplanes, serial numbers 845 through 957, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2800, Aircraft Fuel System.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion of fuel system components located in the fuel gallery due to inadequate corrosion protection. The FAA is issuing this AD to prevent corrosion-related damage to fuel system components, which could lead to fuel leaks, electrical arcing, loss of fuel boost pump function, and erroneous fuel quantity readings. This unsafe condition, if not corrected, could result in fuel starvation with loss of engine power and increased risk of an in-flight fire with consequent loss of airplane control.

(f) Compliance

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

(g) Required Actions for Airplanes Operating on Floats on the Effective Date of This AD

(1) Within 50 hours time-in-service (TIS) after the effective date of this AD or within 3 months after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 125 hours TIS, do the following actions:

(i) Remove all fuel gallery covers and rinse the fuel gallery with water.

(ii) Inspect the fuel gallery for corrosion and, if there is any corrosion, take all necessary corrective actions before further flight by following Item D.15(2) of Special Inspection 3 in Temporary Revision No. 241, dated July 27, 2021, to the Viking DHC–6 Inspection Requirements Manual, PSM 1–6–7.

(2) Within 12 months after the effective date of this AD, install the modifications applicable to your airplane serial number by following the Accomplishment Instructions, sections A. through E., in Viking DHC–6 Twin Otter Service Bulletin No. V6/0044, Revision B, dated September 13, 2021 (Viking SB V6/0044, Revision B).

(h) Required Actions for Airplanes Modified To Operate on Floats After the Effective Date of This AD

Within 12 months after the airplane is modified to operate on floats, regardless of whether the landing gear is later modified back to non-float landing gear, install the modifications applicable to your airplane serial number by following the Accomplishment Instructions, sections A. through E., in Viking SB V6/0044, Revision B.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

(1) For more information about this AD, contact Joseph Catanzaro, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7366; email: *joseph.catanzaro@faa.gov.*

(2) Refer to Transport Canada AD CF–2018–07, dated February 23, 2018, for more information. You may examine the Transport Canada AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0007.

(k) Material Incorporated by Reference

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

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

(i) Viking DHC–6 Twin Otter Service Bulletin No. V6/0044, Revision B, dated September 13, 2021.

(ii) Temporary Revision No. 241, dated July 27, 2021, to the Viking DHC–6 Inspection Requirements Manual, PSM 1–6–7.

(3) For service information identified in this AD, contact Viking Air Limited Technical Support, 1959 de Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* website: *https://www.vikingair.com/support/service-bulletins.*

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

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

Issued on March 25, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07477 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0235]

Safety Zone; Annual Fireworks Displays Within the Captain of the Port Zone, Columbia River

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zone regulations at various locations in the Sector Columbia River Captain of the Port Zone from May 27, 2022, to July 16, 2022, to provide for the safety of life on navigable waters during these fireworks displays. Our regulation for fireworks displays within the Thirteenth Coast Guard District designates the regulated areas and identifies the approximate dates for these events. The specific dates and times are identified in this notice. These regulations prohibit persons and vessels from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the safety zones identified in Table 1 in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Sean Murphy, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503–240–9319, email *D13-SMB-MSUPortlandWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce safety zones in 33 CFR 165.1315 for the events specified below in Table 1, during the designated enforcement periods, and within a 450 yard radius of the launch site and the listed locations. This action is being taken to provide for the safety of life on navigable waterways during these events.

Our regulation for fireworks displays within the Thirteenth Coast Guard District designates the regulated areas and identifies the approximate dates for these events. The specific dates and times are specified below. During the enforcement periods, as reflected in § 165.1315, persons and vessels are prohibited from being in the regulated areas unless authorized by the Captain of the Port Sector Columbia River or a designated representative. These safety zones are subject to enforcement at least 1 hour prior to the start and 1 hour after the conclusion of the events.

TABLE 1—DATES AND DURATIONS OF ENFORCEMENT FOR 33 CFR 165.1315 SAFETY ZONES AT VARIOUS LOCATIONS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE IN 2022

Event name	Event location	Date of event	Latitude	Longitude
Portland Rose Festival Fireworks	Portland, OR	May 27, 2022 9:30 p.m. to 11 p.m	45°30′58″ N	122°40′12″ W
Ilwaco July 4th Committee Fireworks/ Independence Day at the Port.	Ilwaco, WA	July 2, 2022 9:30 p.m. to 11:30 pm	46°18′17″ N	124°02′00″ W
Yachats 4th of July	Yachats, OR	July 2, 2022 9:30 p.m. to 11 p.m.	44°18′38″ N	124°06′27″ W
Cedco Inc./The Mill Casino Independence Day.	North Bend, OR	July 3, 2022 9:30 p.m. to 11 p.m.	43°23′42″ N	124°12′55″ W
Waldport 4th of July	Waldport, OR	July 3, 2022 9:30 p.m. to 11 p.m.	44°25′31″ N	124°04′44″ W
City of Coos Bay July 4th Celebration/ Fireworks Over the Bay.	Coos Bay, OR	July 4, 2022 9:30 p.m. to 11 p.m.	43°22′06″ N	124°12′24″ W
The Dalles Area Fourth of July	The Dalles, OR	July 4, 2022 9:30 p.m. to 11 p.m.	45°36′18″ N	121°10′23″ W
Tri-City Chamber of Commerce Fireworks/River of Fire Festival.	Kennewick, WA	July 4, 2022 9:30 p.m. to 11:30 p.m.	46°13′37″ N	119°08′47″ W
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	July 4, 2022 9:30 p.m. to 11 p.m.	46°11′34″ N	123°49′28″ W
Washougal 4th of July	Washougal, WA	July 4, 2022 9:30 p.m. to 11 p.m.	45°34′32″ N	122°22′53″ W
City of St. Helens 4th of July Fireworks	St. Helens, OR	July 4, 2022 9:30 p.m. 11 p.m.	45°51′54″ N	122°47′26″ W
Lincoln City 4th of July	Lincoln City, OR	July 4, 2022 9:30 p.m. to 11 p.m.	44°55′28″ N	124°01′31″ W
Florence Independence Day Celebration	Florence, OR	July 4, 2022 9:30 p.m. to 11 p.m.	43°58′09″ N	124°05′50″ W
Bandon 4th of July	Bandon, OR	July 4, 2022 9:30 p.m. to 11 p.m.	43°07′29″ N	124°25′05″ W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	July 4, 2022 9:30 p.m. to 11 p.m.	42°25′30″ N	124°25′03″ W
Waverly Country Club 4th of July Fireworks.	Milwaukie, OR	July 4, 2022 9:30 p.m. to 11 p.m.	45°27′03″ N	122°39′18″ W
Port Orford 4th of July Jubilee	Port Orford, OR	July 4, 2022 9:30 p.m. to 11 p.m.	42°44′31″ N	124°29′30″ W
Brookings, OR July 4th Fireworks	Brookings, OR	July 4, 2022 9 p.m. to 10:30 p.m.	42°02′39″ N	124°16′14″ W
Waterfront Blues Festival	Portland, OR	July 4, 2022 9:30 p.m. to 11 p.m.	45°30′42″ N	122°40′14″ W
City of Rainier/Rainier Days	Rainier, OR	July 9, 2022 9:30 p.m. to 11 p.m.	46°05′46″ N	122°56′18″ W
Bald Eagle Days	Cathlamet, WA	July 16, 2022 9 p.m. to 11 p.m.	46°12′14″ N	123°23′17″ W

All coordinates are listed in reference Datum NAD 1983.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods via the Local Notice to Mariners and Broadcast notice to mariners.

Dated: April 4, 2022.

M. Scott Jackson,

Captain, U.S. Coast Guard, Captain of the Port Sector Columbia River.

[FR Doc. 2022–07549 Filed 4–7–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0262]

Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in May 2022

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce established safety zones for maritime events starting in May 2022 to provide for the safety of life on navigable waterways. Our regulation for safety zones within the Captain of the Port Sault Sainte Marie Zone identifies the regulated area for these safety zones. During the enforcement periods, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Sault Sainte Marie.

DATES: The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in Table 1 of the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication, call or email Waterways Management division, LT Deaven Palenzuela, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3223, email *ssmprevention@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.918 as per the time, dates, and locations in Table 1.

TABLE 1

[Datum NAD 1983]

Event	Location	Event date *
(1) Mackinaw Area Visitors Bureau's Tuesday and Friday Night Fireworks; Mackinaw City, MI.	All U.S. navigable waters of the Straits of Mackinac within an approximate 1,000-foot radius from the fireworks launch site located in position 45°46′28″ N, 084°43′12″ W.	—May 27, 30, 31. —June 7, 10, 14, 17, 21, 24, 28. —July 1, 4, 8, 12, 15, 19, 22, 26, 29. —August 2, 5, 9, 12, 16, 19, 23, 26, 30. —September 2, 5, 9, 16, 23, 30. 8:30 p.m. to 11 p.m.
(4) Festivals of Fireworks Celebration Fireworks; St. Ignace, MI.	All U.S. navigable waters of East Moran Bay within an approximate 1,000-foot radius from the fireworks launch site at the end of the Starline Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W.	—May 28. —June 25. —July 4, 9, 16, 23, 30. —August 6, 13, 20, 27. —September 3. 9:00 p.m. to 11:00 p.m.

* Alternative rain date is following day, if needed.

This action is being taken to provide for the safety of life on navigable waterways during the fireworks displays. The regulations for safety zones within the Captain of the Port Sault Sainte Marie Zone, § 165.918, apply for these fireworks displays.

This notification of enforcement is issued under authority of 33 CFR 165.918 and 5 U.S.C. 552 (a). In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Sault Sainte Marie determines that the safety zone need not be enforced for the full duration stated in this notice he or she may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: April 5, 2022.

A.R. Jones,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2022–07539 Filed 4–7–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0176]

RIN 1625–AA00

Safety Zone; Columbia River, Rufus, OR

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary emergency safety zone within 200 yards of a power line lying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the repair of the damaged power line that is 10 ft above the water line. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Columbia River.

DATES: This rule is effective without actual notice from April 8, 2022, through April 10, 2022. For the purposes of enforcement, actual notice will be used from April 4, 2022, until April 8, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0176 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 Sean V. Murphy, Waterways Management, Marine Safety Unit Portland, U.S. Coast Guard, telephone 503–240–2594, email *Sean.V.Murphy@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 power line is laying across the Columbia River, 10 feet above the waterline, and immediate action is needed to protect the public from dangers associated with its existence and repair. It is impracticable to publish an NPRM because we must establish this safety zone on April 4, 2022.

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

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 Columbia River (COTP) has determined that potential hazards associated with a damaged power line laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam, will be a safety concern for anyone within 200 yards of the power line. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the power line is repaired.

IV. Discussion of the Rule

This rule establishes a safety zone from April 4, 2022, until April 10, 2022. The safety zone will cover all navigable waters within 200 yards of the power line laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the power line is being repaired. 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, and duration of the safety 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 that will prohibit entry within 200 yards of a damaged power cable that is laying across the Columbia River, approximately 300 yards west of the John Day Lock and Dam. It is categorically excluded from further review under paragraph L 60(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 NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0176 to read as follows:

§ 165.T13–0176 Safety Zone; Safety Zone; Columbia River, Rufus, OR.

(a) *Location.* The following area is a safety zone: All waters of the Columbia River, from surface to bottom, 200 yards around a line connecting the following points: 45°42′51″ N, 120°42′39″ W and 45°42′22.9″ N, 120°42′28.1″ W. These coordinates are based on the 1984 World Geodetic System.

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

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by contacting the Sector Columbia River at 503–861–6212. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from April 4, 2022, to April 10, 2022.

Dated: April 4, 2022.

M. Scott Jackson,

Capt, U.S. Coast Guard, Captain of the Port Columbia River.

[FR Doc. 2022–07515 Filed 4–7–22; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 232, and 234

[Docket No. 2021–9]

Copyright Claims Board: Law Student and Business Entity Representation

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is issuing a final rule establishing procedures governing the appearance of law student representatives and representatives of business entities in proceedings before the Copyright Claims Board.

DATES: Effective May 9, 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 (''Office'') to establish the Copyright Claims Board (''CCB''), an alternative forum to federal court in which parties may seek resolution of copyright disputes that have a total monetary value of $30,000 or less.[2] The CCB has the authority to hear copyright infringement claims, claims seeking a declaration of noninfringement, and misrepresentation claims under 17 U.S.C. 512(f).[3] Participation in the CCB is voluntary for all parties [4] and all determinations are non-precedential.[5] The CASE Act directs the Register of Copyrights to establish the regulations by which the CCB will conduct its proceedings, subject to the provisions of chapter 15 and relevant principles of law under title 17 of the United States Code.[6] The CASE Act also provides that any party in a CCB proceeding may be represented by ''a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a *pro bono* basis.'' [7]

In December 2021, the Office issued a notice of proposed rulemaking (''NPRM''), proposing regulations governing the representation of parties

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

[2] 17 U.S.C. 1502(a), 1504(e)(1)(D); *see, e.g.,* H.R. Rep. No. 116–252, at 17–20 (2019); S. Rep. No. 116–105, at 11 (2019). Note, the CASE Act legislative history cited is for H.R. 2426 and S. 1273, the CASE Act of 2019, a bill nearly identical to the CASE Act of 2020. *See* H.R. 2426, 116th Cong. (2019); S. 1273, 116th Cong. (2019).

[3] 17 U.S.C. 1504(c)(1)–(3).

[4] *See id.* at 1504(a); H.R. Rep. No. 116–252, at 17, 21; S. Rep. No. 116–105, at 3, 11.

[5] 17 U.S.C. 1507(a)(3); H.R. Rep. No. 116–252, at 21–22, 33; S. Rep. No. 116–105, at 14.

[6] 17 U.S.C. 1506(a)(1).

[7] *Id.* at 1506(d)(2); *see also* S. Rep. No. 116–105, at 4 (''Parties may also rely upon law school legal clinics to represent them before the Board.''); H.R. Rep. No. 116–252, at 17 (''Parties may . . . be represented . . . by a law student acting *pro bono.*'').

by qualified law students.[8] To facilitate law student representation before the CCB, the Office proposed setting threshold eligibility requirements for law students and their supervising attorneys and creating a voluntary public directory of law school clinics whose students are available to represent clients before the CCB.[9]

The same NPRM also proposed regulations ''governing the representation of corporations, limited liability companies, partnerships, sole proprietorships, and other unincorporated associations (collectively, 'business entities')'' in CCB proceedings.[10] Considering the small claims nature of the CCB and the fact that attorney representation is not mandatory, the Office proposed that, in addition to attorneys or law students, business entities may be represented in a CCB proceeding by a fiduciary or properly authorized employee, and proposed requirements that these representatives must follow.[11]

Commenters were generally supportive of the proposed regulations, except as discussed in the sections below, and offered many suggestions that the Office is adopting in the final rule. Based on the comments received, the final rule will expand the scope of law student participation in CCB proceedings in several ways. The prerequisites for law students to appear before the CCB have been adjusted to provide law clinics more discretion. In addition, law students will be permitted to participate before the CCB not only through law school clinics but also through *pro bono* legal services organizations that have a connection with the student's law school. Accordingly, under the final rule, the Office will provide a public directory of both participating law school clinics and participating *pro bono* organizations. As in the proposed rule, a clinic or organization will not be required to be on the published CCB list to participate in CCB proceedings.

Commenters were also supportive of the proposed rule governing business entity representation. The final rule adopts the proposed rule's approach and permits business entities to be represented before the CCB by in-house attorneys, fiduciaries, and employees expressly authorized by the business entity to represent it in a particular proceeding. The final rule also includes a revision to clarify that a business entity's representative may submit a single valid certification that will remain effective throughout a proceeding, but such certification does not extend to future proceedings.

II. Discussion of Final Rule

A. Requirements for Law Student Representation

1. Law Student Representation Through Law School Clinics

Most comments addressing law student representation before the CCB expressed support for the Office's proposed rule.[12] A typical comment, jointly submitted by ''Law School Faculty With an Interest in CCB Procedures'' (''Law School Faculty''), including professors and clinic directors from eight law schools, stated ''[t]he Proposed Regulations properly take into consideration the need to ensure the quality of law student representation and the corresponding burdens placed on the law clinics and supervising attorneys.'' [13] Many commenters further wrote in favor of expanding opportunities for student representation beyond the law school clinic environment, as further discussed below.[14]

Some commenters requested that the Office consider defining the term ''law school clinic'' and proposed using the District of Columbia Court of Appeals Rule 48(a)(5) as a model.[15] After considering the variety of operating structures and practices employed by clinical programs at law schools throughout the country,[16] the Office declines to provide a specific, limiting definition of the term, to avoid unduly excluding capable clinics from participation.[17] A participating law student must comply with the applicable law of the jurisdiction that certifies the student to practice law in conjunction with a law school clinic. Further, the student's supervising attorney must also be qualified to practice under applicable law and must certify the student's eligibility to participate. The same commenters urged the Office to ''allow law school clinics to set their own rules with regard to the handling of costs'' [18] when defining ''law school clinic.'' As noted above, the Office does not purport to define that term at all.

The proposed rule did not include any limits on the number of proceedings in which a law student representative or clinic may participate. The Law School Faculty commenters asserted that the Office may lack the authority to impose such a limit.[19] The Office does not include any limitations in this final rule, but it intends to address the issue of limits, if any, on the number of proceedings that parties and their representatives may bring over a 12-month period in a separate rulemaking proceeding.[20]

A few commenters expressed reservations or opposition to law student representation through clinics.

[8] 86 FR 74394 (Dec. 30, 2021). Comments received in response to the NPRM are available at *https://www.regulations.gov/document/COLC-2021-0011-0001/comment.* References to comments responding to the NPRM are by party name (abbreviated where appropriate), followed by ''Initial NPRM Comments'' or ''Reply NPRM Comments'' as appropriate.

[9] *See id.* at 74397–98.

[10] *Id.* at 74394.

[11] *Id.* at 74397.

[12] *See* Law School Faculty With an Interest in CCB Procedures Initial NPRM Comments at 1–2 (commenting parties include Brianna Marie Christenson, Sabren Hassan Wahdan, Sandra Aistars, Amy Tang, Philippa Loengard, Robert Brauneis, Melissa Eckhause, Jon M. Garon, Laurie Kohn, Christopher Newman, Sean A. Pager, Zvi Rosen, Mark F. Schultz) (''[L]aw school clinics will play an important role in allowing parties to confidently pursue or defend their claims before the CCB.'') (''Law School Faculty''); Marketa Trimble Initial NPRM Comments at 1 (''a welcome new opportunity for law student experiential learning and an important additional support of access to justice in the realm of copyright law''); Norman Hedges Initial NPRM Comments at 2; Joel Rothman Initial NPRM Comments at 1; Anonymous Initial NPRM Comments; Sarah Mintz Reply NPRM Comments; Anonymous II Reply NPRM Comments.

[13] Law School Faculty Initial NPRM Comments at 1.

[14] *See id.* at 6; Marketa Trimble Initial NPRM Comments at 2; Elizabeth Townsend Gard Reply NPRM Comments at 2–3; Copyright Alliance et al. Initial NPRM Comments at 7; Copyright Alliance et al. Reply NPRM Comments at 10 (''[I]n line with many other clinic and professor authored comments, we again urge the Office to expand the scope of law student participation to include other programs, organizations, and groups that utilize law school students.'').

[15] Law School Faculty Initial NPRM Comments at 5–6; Copyright Alliance et al. Initial NPRM Comments at 7; *see* DC App. R. 48, *https://www.dccourts.gov/sites/default/files/2019-05/DCCA%20Rule%2048.pdf* (last visited March 28, 2022); *see also* Elizabeth Townsend Gard Reply NPRM Comments at 2–4 (proposing definition of ''clinic'' to include all education to assist with *pro bono* legal representation, or to cover other law school educational programs).

[16] *See generally* Cynthia L. Dahl & Victoria F. Phillips, *Innovation and Tradition: A Survey of Intellectual Property and Technology Legal Clinics,* 25 Clinical L. Rev. 95, 137–47 (Fall 2018), *https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3184486.*

[17] *See* Law School Faculty Initial NPRM Comments at 2 (cautioning against ''placing additional CCB-specific burdens on clinic operations''); *id.* at 6 (identifying concerns related to the role of ''faculty'' and ''fee-shifting'' in a potential definition of ''law school clinic''); Elizabeth Townsend Gard Reply NPRM Comments at 3 (noting that Tulane Law School has a trademark and patent lab but no formal intellectual property clinic, so its students would likely be precluded from participating under the proposed definition).

[18] Law School Faculty Initial Comments at 6. The Office understands the reference to ''costs'' to denote what are called ''court costs'' in litigation, such as filing fees and service-related fees. *See id.*

[19] *Id.* at 7.

[20] *See* 86 FR 69890, 69917 (Dec. 8, 2021).

Notably, a comment submitted jointly by directors of 12 intellectual property and technology law school clinics (''Technology & IP Clinical Law Professors'') stated ''that CCB proceedings are not well-suited to clinic participation.'' [21] These commenters cited CASE Act provisions that they believe limit the suitability of law school clinics' participation in CCB proceedings. Specifically, they contend that the voluntary nature of CCB proceedings,[22] which permit a respondent to ''opt out'' and have the proceeding dismissed without prejudice at the outset,[23] provide few learning opportunities for the law school clinic student.[24] In the view of these 12 clinic directors, this opt-out procedure poses ''significant limitations on the kinds of clients that clinics can represent in CCB proceedings and the possibilities for pedagogically sound learning opportunities for law student attorneys.'' [25] Because the parties to a CCB proceeding that is dismissed after a respondent opts out retain their rights to litigate in federal court, these commenters explained that their clinics were not well situated to engage in federal court copyright litigation in the event their client's CCB claim is dismissed after the respondent opts out.[26] They expressed concern that ''[e]ven when cases present a viable set of representational and pedagogical circumstances to proceed to adjudication before the CCB, . . . the degree of complexity may be beyond the capacity of our clinics to handle without taking matters out of our law student attorneys' hands.'' [27] Finally, noting the non-precedential nature of CCB decisions, they observed that ''many clinics aim to square their public service missions with their limited capacity to serve deserving clients by taking on those whose cases are likely to advance the state of the law more broadly and advance the interest of others by setting precedent.'' [28]

Several reply comments responded directly to these concerns.[29] Reply comments submitted by Law School Faculty (including the directors of law school clinics) opined that the Technology & IP Clinical Law Professors' comments ''seemed to more directly address the policy considerations underlying the CASE Act as a whole,'' and were ''less directly addresse[d to] the questions asked in the NPRM regarding the procedures governing the appearance of law student representatives before the CCB.'' With regard to those broader policy considerations, the Law School Faculty reply comment noted that though ''the matters raised by our colleagues are of deep concern to us as well . . . we do not believe these questions are within the scope of this NPRM and urge the [Office] to leave them within Congress's purview.'' [30]

Attorney Joel Rothman suggested that respondents are less likely to opt out than projected by the Technology & IP Clinical Law Professors' comment. By example, Mr. Rothman noted that infringement claims related to advertising uses of copyrighted works are likely to be covered by commercial general liability insurance, suggesting that insurance companies covering copyright claims for respondents have an incentive to participate in CCB proceedings, which offer lower exposure to significant damages and expenses than do cases before the federal courts.[31] While some commenters disagreed on whether CCB proceedings would raise questions too complex for law student representatives, Mr. Rothman pointed out that law school clinics routinely represent clients in complicated legal fields such as taxation, immigration, workers' compensation, social security disability, real estate, and bankruptcy law.[32]

Law student representation is expressly envisioned by the CASE Act. The Act aims to increase access to justice, and as intellectual property law professor Marketa Trimble observed, ''law school clinics typically provide an ideal setting for the type of representation envisioned by the proposed rules.'' [33] As stated in the NPRM, ''[c]onsistent with Congress's directive to develop a system that is accessible to 'those with little prior formal exposure to copyright laws,' the Office is committed to facilitating law student representation through law school clinics, which play an important role in providing expanded legal access to often underserved members of the public.'' [34]

2. Law Student Representation Outside of Clinics

Commenters encouraged the Office to allow CCB participants to be represented by law students outside of law school clinics. The statute provides for representation by ''a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a *pro bono* basis.'' [35] It does not indicate that such representatives must be under the auspices of a law school clinic. Though the regulation proposed in the NPRM would have limited representation by eligible law students to those ''affiliated with a law school clinic,'' [36] several commenters persuasively urged the Office to expand the scope of law student representation beyond that environment.[37]

The Office recognizes that ''not all programs operated by law schools may be truly clinical in nature.'' [38] The Office

[21] Technology & IP Clinical Law Professors Initial NPRM Comments at 1 (commenting parties include Jonathan Askin, Lynda Braun, Cynthia L. Dahl, Ron Lazebnik, Jack I. Lerner, Amanda Levendowski, Phil Malone, Art Neill, Vicki Phillips, Jef Pearlman, Blake E. Reid, Jason Schultz, and Erik Stallman); *see also* Southlaw Ent. Initial NPRM Comments (''I am not for law students handling these cases,'' considering the seriousness of the offenses and the life-altering effect of a damages award ''if cases are mishandled''); Trenton Seegert Initial NPRM Comments at 1 (supporting law student representation while urging the Office to ''be more concerned with ensuring that student representatives exhibit the necessary and proper qualifications'').

[22] 17 U.S.C. 1504(a).

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

[24] Technology & IP Clinical Law Professors Initial NPRM Comments at 2.

[25] *Id.* at 2.

[26] *Id.*

[27] *Id.* at 4.

[28] *Id.* at 5.

[29] Law School Faculty Reply NPRM Comments at 2–3 (''We likewise appreciate the thoughtful discussion and analysis offered by the Technology and IP Clinical Professors concerning whether or not they are likely to find cases they deem of appropriate pedagogical value or how they would advise clients seeking their services to use the CCB process.''); Elizabeth Townsend Gard Reply NPRM Comments at 4 (''The Reply Comment is written, in great part, to respond to the thoughtful Comment by Technology and Intellectual Property Clinical Law Professors . . . [who] brought up all of the difficulties and problems they see in adding CCB representation to their clinics.''); Joel Rothman Reply NPRM Comments at 2 (''I could not disagree more with the IP Professors' view.'').

[30] Law School Faculty Reply NPRM Comments at 3.

[31] Joel Rothman Reply NPRM Comments at 3. The Office takes no view on any role that insurance may play in a respondent's decision to respond to a claim or opt out of a CCB proceeding.

[32] *Id.* at 4 (citing ABA, *Directory of Law School Public Interest & Pro Bono Programs, https://www.americanbar.org/groups/center-pro-bono/resources/directory_of_law_school_public_interest_pro_bono_programs* (last visited Mar. 28, 2022); *see also* Joel Rothman Initial NPRM Comments at 1 (''In my experience, copyright law can be learned as required. I never took an IP course in law school, yet that never stood in my way.'').

[33] Marketa Trimble Initial NPRM Comments at 2.

[34] 86 FR 74394, 74394 (quoting H.R. Rep. No. 116–252, at 17) (footnotes omitted).

[35] 17 U.S.C. 1506(d)(2).

[36] 86 FR 74394, 74397.

[37] Marketa Trimble Initial NPRM Comments at 2 (''Participation in a law school-sponsored pro bono program should be accepted as an alternative to participation in a law school clinic focused on copyright.''); Elizabeth Townsend Gard Reply NPRM Comments at 3; Law School Faculty Initial NPRM Comments at 6; Copyright Alliance et al. Initial NPRM Comments at 7.

[38] Copyright Alliance et al. Initial NPRM Comments at 7; *see* Law School Faculty Initial

Continued

further recognizes that not all law schools have clinics focused on copyright, though many sponsor programs ''in which attorneys who work on pro bono cases are paired with law students who assist with the cases under the attorneys' supervision and guidance.'' [39] Such programs can ensure that parties in CCB proceedings are represented by law students who have sufficient training and oversight. The Office is persuaded that, if these programs have a connection with the student's law school, and they follow the same rules as any law school clinics would have to follow, they may also participate in CCB proceedings.

The Office believes that facilitating representation by qualified students, whether through law school clinics or comparable, law school-connected *pro bono* programs offering similar supervision and support, is consistent with the goal of expanding access to ''those with little prior formal exposure to copyright laws.'' [40] Such representation can help alleviate the concern, raised in the Technology & IP Clinical Law Professors' comment that ''clinics likely will be unable to fill the significant access-to-justice gap that the opening of proceedings before the CCB may create.'' [41] As the Law School Faculty comment noted, ''[a]n expanded field of properly trained and supervised students will allow more students to help underserved communities and claimants, especially if the demand is high for law student representation or when there are few (or no) eligible legal clinics in a particular area, or during particular times of the year, like summer breaks.'' [42]

Accordingly, the final rule provides that a qualified law student must be affiliated with a law school clinic, or with a *pro bono* legal services organization that has a connection with the student's law school.

Finally, in addition to the qualified law student representation described in the rule, the Office encourages the participation of law students in CCB proceedings more broadly. For example, under the supervision of a licensed attorney, a law student may assist with drafting a pleading or other document to be filed before the CCB. In addition, a licensed lawyer representing a party before the CCB may have a law student intern or clerk attend any part of the party's proceeding.

3. Competency Prerequisites

The NPRM proposed a standard of competency for law student representatives that would require successful completion of both ''[t]he first year of studies at an American Bar Association-accredited law school,'' and ''[a] copyright law course, formal copyright law training, or formal training in Board procedures.'' [43] Commenters addressed the prerequisites and the Office is modifying the rule after consideration of those comments.

Commenters supported the requirement that law student representatives must have completed their first year of law school: ''We do wholeheartedly agree that law students participating in this program should be required to complete their first year of studies at an American Bar Association (ABA)-accredited law school. To our knowledge this is a pre-requisite of all clinical programs.'' [44] The Office believes that the completion of a first year of law school is a minimum requirement that is part of ''an appropriate standard of competence'' [45] for law student representatives and will retain that requirement.

Most commenters considered the Office's proposed law student competency prerequisites to be too restrictive and unnecessary.[46] Some deemed unclear what would constitute sufficient ''formal'' training in copyright law or CCB procedures.[47] Commenters also noted that administrative issues, such as the fact that some law schools may offer copyright law courses only at limited times, may hamper students' completion of the prerequisite in time to participate in the clinic.[48] Several commenters suggested that supervising attorneys charged with ensuring competent representation will take responsibility for providing students sufficient instruction in copyright, in a clinical setting or elsewhere, if the students have not completed a copyright law course beforehand, with one group noting, ''[c]ompetent representation can be rendered through necessary study, and providing training in copyright advocacy and counselling may well be among the pedagogical goals of clinical programs that will be taking on CCB representations.'' [49]

The Office agrees. The CCB is designed to allow parties to represent themselves, or to be represented by an attorney or a *pro bono* law clinic. Neither parties, nor their representatives need to be versed in the entire body of copyright law to participate before the CCB.[50] Determining whether a student is sufficiently trained to represent a party in each proceeding can be entrusted to an attorney supervisor with access to information specific to the dispute, who can tailor any needed copyright training to the pertinent matters. Accordingly, the final rule will not require a copyright law course or ''formal'' copyright law training, but instead will require ''training in relevant copyright law, as determined by the supervising clinic or *pro bono* organization.''

However, any CCB proceeding will also require party representatives to be familiar with, at a minimum, the language in the CASE Act and the governing CCB regulations. The Office expects that parties who secure *pro bono* law school student representation will likely be heavily reliant on the student representative's guidance on

NPRM Comments at 5 (''not every law school operates programs that can be categorized as clinical in nature'').

[39] Marketa Trimble Initial NPRM Comments at 2 (discussing the Partners in Pro Bono Program at the William S. Boyd School of Law at the University of Nevada, Las Vegas).

[40] 86 FR 74394, 74394 (quoting H.R. Rep. No. 116–252, at 17).

[41] Technology & IP Clinical Law Professors Initial NPRM Comments at 5.

[42] Law School Faculty Initial NPRM Comments at 6.

[43] 86 FR 74394, 74397.

[44] Law School Faculty Initial Comments at 4. The Copyright Alliance et al. commented that ''completion of the first year of studies'' should be the only requirement, though it also proposed revisions to the rule that would allow representation by students who had not completed a year of law school, or had taken only a copyright course or training instead. Copyright Alliance et al. Initial Comments at 8.

[45] 86 FR 74394, 74395 (citing Model Rules of Prof'l Conduct R. 1.1 (Am. Bar Ass'n 1983) (''Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation [of a client].'')).

[46] Law School Faculty Initial NPRM Comments at 3–4; Norman Hedges Initial NPRM Comments at 3–4; Joel Rothman Initial NPRM Comments at 1–2; Copyright Alliance et al. Initial NPRM Comments at 8–9; Elizabeth Townsend Gard Reply NPRM Comments at 2–3. *But see* Trenton Seegert Initial NPRM Comments at 2 (supporting the formal training proposed prerequisites and noting that ''by requiring all participating law students to have a similar base knowledge of copyright law, representation becomes more efficient'').

[47] Copyright Alliance et al. Initial NPRM Comments at 8 (''It is not clear what would constitute 'formal' training versus 'informal' training.''); *see also* Law School Faculty Initial NPRM Comments at 2.

[48] Law School Faculty Initial NPRM Comments at 3; Norman Hedges Initial NPRM Comments at 3–4; Elizabeth Townsend Gard Reply NPRM Comments at 2–3.

[49] Law School Faculty Initial NPRM Comments at 3; *see also* Norman Hedges Initial NPRM Comments at 4 (''With the supervision of an attorney, the need for students to have taken copyright or CCB courses becomes an unnecessary barrier to eligibility for students and should be withdrawn from the proposed rules.'').

[50] *See* Copyright Alliance et al. Initial NPRM Comments at 8 n.4 (commenting that a requirement of ''completion of a copyright law course may not be desirable . . . particularly since the legal issues in a CCB proceeding are narrow and since the supervising attorney will be supervising the law student representative throughout the proceeding'').

matters of CCB procedure. Therefore, the final rule includes a requirement that, to be competent to represent a party, a law student must first review the CASE Act's statutory text and the CCB's regulations. The legislative history of the CASE Act indicated that the Office may require that parties ''have reviewed the [CCB's] procedural rules'' to participate.[51] The Office acknowledges that reviewing detailed regulatory text could be challenging for *pro se* parties without legal training, and it is not imposing such a requirement on parties at this time. However, a review of the statute and regulations should not pose the same challenges for students who have completed a year or more of law school, and who can turn to a supervising attorney for help in understanding the rules.

4. Professional Conduct

In a joint comment, three law school professors suggested that the Office should set explicit standards of professional conduct for ''anyone representing clients before the CCB,''[52] including requirements to ''conduct proper investigations of the facts and law before filing a claim, similar to the duties specified in FRCP 11.''[53] The professors further asked the Office to set specific ''consequences for representatives who repeatedly engage in improper conduct before the CCB,''[54] and establish disciplinary proceedings against such representatives.[55] Other commenters replied and opposed the Office establishing such a separate disciplinary system.[56] The Office agrees with the Copyright Alliance et al. reply comment noting that ''[a]ttorneys are already subject to professional ethics standards'' and that creating a separate disciplinary process relating to law student representatives under the Office would be ''duplicative or conflict with preexisting systems.''[57] In addition, there is no basis in the statute to permit the CCB to establish a separate disciplinary standard for law students.

The three law school professors' comments regarding professional conduct apply to all party representatives appearing before the CCB, including attorneys, so they are necessarily broader than the issues of law student and business entity representations raised in this rule. The Office has discussed issues regarding truthful filings and professional conduct under earlier notices of proposed rulemaking.[58] This separate rulemaking when finalized will apply equally to all party representatives appearing before the CCB, including business entity and law student representatives.[59] The Office's intent is that the standards for conduct before the CCB as a whole should foster professional conduct as well as truthful and accurate submissions by all parties and their representatives.

5. Attorney Supervision

The Office proposed that all law student representatives must be supervised by a licensed attorney.[60] No commenter disagreed with this requirement. Commenters generally stated that ''the proposed regulations are well-drafted in terms of defining the role of a Supervisory Attorney to ensure proper guidance and direction to law student representatives.''[61]

Commenters asked the Office to ''clarify that law student representatives may be supervised by multiple attorneys'' affiliated with a law school clinic.[62] The Office acknowledges that multiple attorneys may supervise students in some law school clinics, and nothing in the regulation limits their ability to do so. The Office simply requires that at least one attorney be identified as the supervising attorney on each document that the law student representative submits, even if several attorneys supervise the student's work. Any supervising attorney linked to the law student through the CCB's electronic filing system (''eCCB'') shall have responsibility over case management and professional responsibility for the law student representative's actions.[63] Furthermore, at hearings and conferences, one of the law student representative's supervising attorneys must attend with the student, and the Office is revising the proposed regulation to clarify that point.[64]

The Office invited comments on ''whether documents submitted to the CCB must be signed by both the supervising attorney and the law student representative,''[65] rather than by the student alone. The Office received one responsive comment, from the Copyright Alliance et al., stating, ''we believe that both supervising attorneys and law student representatives should sign all legal filings submitted to the CCB,'' without additional context.[66] The Office has set up eCCB to be as streamlined as possible, often with fillable templates to complete required forms, and so mandating multiple signatures at this time for every filing would interfere with the ease of eCCB use. Rather, while the final rule allows both the law student representatives and the supervisory attorney sign any document they submit, the final rules require a single signature. If the student representative is the sole signatory, that student must certify that the supervising attorney assented to the filing.

Commenters suggested that the Office issue a definition of the term ''supervising attorney'' that would mirror language in the proposed regulation regarding attorneys representing business entities, requiring the attorney to be a ''member in good standing of the bar of the highest court of a State, the District of Columbia, or any territory or commonwealth of the United States.''[67] A supervising attorney must comport with the applicable state laws governing a clinic or legal services organization in the jurisdiction where the attorney's clinic or organization is based. The Office believes that the current requirement addresses the appropriate qualifications for attorneys supervising law student representatives.

Professor Elizabeth Townsend Gard proposed that a supervising attorney should not be required to act as the *pro bono* client's attorney, but simply as a facilitator or teacher overseeing the

[51] S. Rep. No. 116–105, at 8 (''Nothing in the legislation prevents the imposition of a requirement that parties to a claim acknowledge in writing that they have reviewed the procedural rules and/or watched such videos [about how parties to the proceeding should act] prior to the filing of a claim or responded to claim.'').

[52] Eric Goldman, Tyler Ochoa & Rebecca Tushnet Initial NPRM Comments at 1.

[53] *Id.*

[54] *Id.*

[55] *Id.*

[56] Copyright Alliance et al. Reply NPRM Comments at 9; Law School Faculty Reply NPRM Comments at 2.

[57] Copyright Alliance et al. Reply NPRM Comments at 9.

[58] *See* 86 FR 53897, 53906 (Sept. 29, 2021); 86 FR 69890, 69916 (Dec. 8, 2021).

[59] *See* 86 FR 74394, 74397 (''Representatives of business entities who appear pursuant to paragraphs (b)(3) or (4) of this section are equally subject to the standards of conduct . . . as any other party representative.''); *see also id.* at 74398 (''Law student representatives are equally subject to the standards of conduct . . . as any other attorney representatives.'').

[60] *Id.* at 74395 (''[L]aw student representatives must be supervised by an attorney'').

[61] Law School Faculty Initial NPRM Comments at 5; *see also* Copyright Alliance et al. Initial NPRM Comments at 9 (''The proposed regulations are well drafted in terms of allocating responsibilities to a supervising attorney.'').

[62] Law School Faculty Initial NPRM Comments at 5; *see also* Copyright Alliance et al. Initial NPRM Comments at 9 (''Some law school clinics may have several adjunct professors who support the law school clinic director in project management and supervision.'').

[63] *See* 86 FR 74394, 74397–98.

[64] *See id.* at 74398.

[65] *Id.* at 74396.

[66] Copyright Alliance et al. Initial NPRM Comments at 9.

[67] *Id.* at 6 (quoting 86 FR 74394, 74397); Law School Faculty Initial NPRM Comments at 4 (same).

student.[68] However, if the Office were to adopt this rule, it could violate the requirements of applicable law governing the clinic. In jurisdictions surveyed by the Office including California, New York, Tennessee, the District of Columbia, Maryland, and Virginia, the supervisory attorney is generally required to assume professional responsibility for any activity performed by the law student.[69] The Office is therefore maintaining the requirement for a supervising attorney to be responsible for the actions and filings of a law student representative.

The proposed rule would have required a supervising attorney to accompany a law student representative to hearings on the merits, but not to conferences.[70] Several commenters advocated that ''it should be mandatory for supervising attorneys to appear at both hearings and conferences'' [71] or, going even further, that they must ''be present in *all* situations where a client is represented, whether or not the situations are on the merits.'' [72] There were no comments to the contrary. The Office agrees that direct supervision in such circumstances serves the interests of a law student's client and is appropriate in view of the supervising attorney's responsibility for case management.[73] The Office will require that a supervising attorney must appear at any hearing or conference absent leave from the CCB.

B. Pro Bono Representation Directory

No commenters opposed the creation of a directory of *pro bono* representation. Professor Marketa Trimble proposed that the Office directory listings include ''not only participating law school clinics, but also participating law school-sponsored pro bono programs.'' [74] Because the Office will permit law student representation outside the clinical context with supervision through a law school-connected *pro bono* legal services organization, the Office agrees with Professor Trimble's proposal. The final rule provides for such organizations to be able to indicate, in the public directory, their availability to assist CCB parties.

Several commenters asked the Office to ensure ''that clinics can choose whether to be listed in a directory of participating clinics separate from their ability to appear in any given proceeding.'' [75] Clinics and legal services organizations that are eligible and available to facilitate *pro bono* student representation before the CCB are encouraged to make their availability known through a public directory listing, but the Office will not make inclusion in the directory a requirement. The regulation clarifies that the duty to maintain current information in the directory applies only to participants that have chosen to be listed, and that directory listing is not a requirement for representing clients in CCB proceedings.

The Law School Faculty commenters requested that participating clinics be permitted to submit directory listings that do not provide all of the information required in the proposed regulation, so that the clinics need ''not to answer questions they do not wish to answer or feel they cannot adequately keep current under the guidelines.'' [76] Some commenters took issue with requirements to disclose whether the clinic or organization has handled copyright matters in the last two years, and the nature of such matters, at a time when the CCB has not yet been in operation for two years.[77] A disclosure that there have been few or no recent copyright matters will not prohibit a law clinic's inclusion in the directory. Nothing stops a clinic or organization from explaining why it has limited experience, and the Office does not believe it should craft a regulation that it will need to change in the future. Since qualified clinics and public service organizations may fully participate in supervising law student representatives whether or not they are listed in the directory, those that choose to be listed must provide all information requested and can explain any perceived gaps in their experience. The Office believes that all such information would be relevant to a potential client seeking representation through the directory and notes that updates are required only once a year.[78]

The Copyright Alliance et al. asked that the Office accept a general description of the nature of such recent copyright matters, and not require that the listing ''divulge any specific details of prior client representations.'' [79] The Office is not requesting or requiring disclosure of any confidential or privileged information for inclusion in the directory.

The final rule maintains the proposed disclosure requirements for law school clinics and requires the same disclosures of eligible legal services organizations, if they seek to be listed in the CCB *pro bono* representation directory.

C. Representation of Business Entities

The NPRM proposed that, in addition to attorneys or law students, business entities may be represented in a CCB proceeding by a fiduciary or properly authorized employee, and proposed requirements that these representatives must follow.[80] The comments received in response to the NPRM were supportive of the proposed rule, which expands access to the CCB by smaller business entities.

While two commenters took the position that the Office should require business entities to use in-house lawyers or outside counsel in order to appear before the CCB,[81] the CASE Act does not require business entities to be represented by counsel.[82] As other commenters noted, Congress envisioned the CCB as a forum that will enable parties to resolve low-value copyright claims without the expense of an attorney, and ''intended [the CCB] to be 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.'' [83] Representation of business entities by their own fiduciaries and authorized employees is consistent with the CASE

[68] Elizabeth Townsend Gard Reply NPRM Comments at 3 (''Taking on a client requires a great deal of vetting and responsibility.'').

[69] Cal. Rules of State Bar R. 3.6(B)(3); N.Y. Comp. Codes R. & Regs. tit. 22, sec. 805.5(e) (2017); Tenn. Sup. Ct. R. 7, sec. 10.03(h)(3)(C); D.C. Ct. App. R. 48(e)(2); Md. R. 19–220(d); Va. Sup. Ct. R. pt. 6, sec. IV, 15(d)(ii).

[70] *See* 86 FR 74394, 74395.

[71] Copyright Alliance et al. Initial NPRM Comments at 9.

[72] Norman Hedges Initial NPRM Comments at 5 (stating students expressed that they would not be comfortable proceeding without a supervisor present).

[73] 86 FR 74394, 74395.

[74] Marketa Trimble Initial NPRM Comments at 3.

[75] Technology & IP Clinical Law Professors Initial NPRM Comments at 5; *see also* Law School Faculty Initial NPRM Comments at 8 (noting that ''inclusion in this directory should be voluntary and not a prerequisite to participate in CCB proceedings''); Copyright Alliance et al. Initial NPRM Comments at 10.

[76] Law School Faculty Initial NPRM Comments at 8.

[77] Copyright Alliance et al. Initial NPRM Comments at 10, Elizabeth Townsend Gard Reply NPRM Comments at 5; Law School Faculty Initial NPRM Comments at 8–9.

[78] *See* 86 FR 74394, 74398.

[79] Copyright Alliance et al. Initial NPRM Comments at 11; *see also* Law School Faculty Initial NPRM Comments at 8.

[80] 86 FR 74394, 74397.

[81] Verizon Initial NPRM Comments at 1–2; *see also* Southlaw Ent. Initial NPRM Comments at 1 (noting that ''these proceedings should be handled by a professional'').

[82] 17 U.S.C. 1506(d).

[83] Copyright Alliance et al. Reply NPRM Comments at 7–8 (quoting H.R. Rep. No. 116–252, at 17); *see also* Elizabeth Townsend Gard Reply NPRM Comments at 5–6 (stating that CCB regulations ''should be clear and not present a barrier to solopreneurs or start ups that may not have access to legal representation'').

Act and with express Congressional intent.

Another commenter proposed that ''lawyers with foreign credentials'' be allowed to represent foreign authors, suggesting that such lawyers ''have more knowledge than a student.'' [84] The Office considers it impracticable to allow representation by such attorneys. An attorney representative in a CCB proceeding, including an attorney supervising a qualified law student, will be required to be in good standing to practice before the bar of the highest court of a State, the District of Columbia, or a territory or commonwealth of the United States.[85] While the Office can depend on a domestic state bar's professional responsibility requirements to ensure that the attorney's conduct before the CCB will comport with ethical standards for practice,[86] the Office would not have the capacity to ensure that attorneys admitted elsewhere are subject to the same ethical obligations.

The Copyright Alliance et al. suggested ''that the Office amend [proposed 37 CFR] 232.6(c) so that the required certification for a particular business representative qualified under [proposed 37 CFR] 232.6(b)(3)–(4) can be valid for a period of up to one year.'' [87] The certification requirement is on a per-proceeding basis, not an annual basis. To avoid any potential confusion, the Copyright Office is amending the proposed regulation to clarify that a business entity representative who certifies the entity's authorization in a particular CCB proceeding shall remain authorized for the duration of that proceeding, so long as the business entity continues to authorize the representative.

Finally, Professor Elizabeth Townsend Gard expressed support for opportunities to educate small businesses about copyright in ways that would not entail representation, such as workshops on copyright registration, and suggested that student or alumni groups could be organized to provide such legal information to the public.[88] Professor Townsend Gard also suggested creating CCB fellowships whereby faculty or student groups could apply to the Office with research proposals and have their research published on the CCB website.[89] The Office appreciates the suggestions of various methods of education and outreach to the public, as well as future research possibilities, but does not understand these suggestions to require the Office to promulgate any regulations.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 232

Claims, Copyright.

37 CFR Part 234

Claims, Copyright.

Final Regulations

For 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 § 201.2, revise paragraph (a)(2) to read as follows:

§ 201.2 Information given by the Copyright Office.

(a) * * *

(2) The Copyright Office does not furnish the names of copyright attorneys, publishers, agents, or other similar information to the public, except that it may provide a directory of *pro bono* representation available to participants in proceedings before the Copyright Claims Board.

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Subchapter B—Copyright Claims Board and Procedures

■ 3. Add part 232 to read as follows:

PART 232—CONDUCT OF PARTIES

Sec.
232.1–232.5 [Reserved]
232.6 Representation of business entities.

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

§§ 232.1–232.5 [Reserved]

§ 232.6 Representation of business entities.

For purposes of this part:

(a) *Definition.* A *business entity* is a corporation, limited liability company, partnership, sole proprietorship, or unincorporated association.

(b) *Appearance of a business entity.* A *business entity* may appear before the Copyright Claims Board (Board) through—

(1) A member in good standing of the bar of the highest court of a State, the District of Columbia, or any territory or commonwealth of the United States;

(2) A law student who meets the requirements set forth in 37 CFR 234.1;

(3) An owner, partner, officer, or member, of the *business entity;* or

(4) An authorized employee.

(c) *Certification.* Someone appearing before the Board in a proceeding to represent a *business entity* in that proceeding pursuant to paragraph (b)(3) or (4) of this section shall certify that they are an authorized agent of the *business entity* and may bind that entity in the proceeding pending before the Board. If the representative qualifies only as an authorized employee under paragraph (b)(4) of this section, then within 30 days of the authorized employee's initial appearance, the representative also must submit written authorization, signed by an owner, partner, officer, or member of the *business entity* under penalty of perjury, stating that the representative may bind that entity on matters pending before the Board. A valid certification under this subsection shall remain effective throughout the proceeding, so long as the representative continues to be authorized by the *business entity.*

(d) *Subject to standards of professional conduct.* Representatives of business entities who appear pursuant to paragraph (b)(3) or (4) of this section are equally subject to the standards of conduct as any other party representative.

■ 4. Add part 234 to read as follows:

PART 234—LAW STUDENT REPRESENTATIVES

Sec.
234.1 Law student representatives.
234.2 Pro bono representation directory.

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

§ 234.1 Law student representatives.

(a) *Eligibility for appearance*—(1) *State law compliance.* Any law student who is affiliated with a law school clinic or a *pro bono* legal services organization with a connection to the student's law school, is qualified under

[84] Anonymous Initial NPRM Comments at 1.

[85] *See* 86 FR 74394, 74397; *see also* 86 FR 69890, 69917 (Dec. 8, 2021).

[86] *See* Law School Faculty Initial NPRM Comments at 6 n.2 (noting, in the context of supervision of law school representatives, ''the Copyright Office should rely on state entities to govern the Supervising Attorneys to ensure proper oversight'').

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

[88] Elizabeth Townsend Gard Reply NPRM Comments at 3–4, 6; *see also* Norman Hedges Initial NPRM Comments at 3 (proposing that the Office direct members of the public to law school clinics for assistance filing copyright registrations).

[89] Elizabeth Townsend Gard Reply NPRM Comments at 5.

applicable laws governing representation by law students of parties in legal proceedings, and meets the other requirements of this paragraph (a)(1) may appear before the Copyright Claims Board (Board). Applicable law is the law of the jurisdiction that certifies the student to practice law in conjunction with a law school clinic or *pro bono* legal services organization with a connection to the student's law school.

(2) *Pro bono representation.* Any law student who appears before the Board must provide representation on a *pro bono* basis.

(3) *Competency.* Law student representatives must meet a standard of competency. For the purpose of appearances before the Board, competency includes successful completion of—

(i) The first year of studies at an American Bar Association-accredited law school;

(ii) Training in relevant copyright law, as determined by the supervising clinic or *pro bono* organization; and

(iii) Review of the Board's regulations found in this subchapter, and of the Copyright Alternative in Small-Claims Enforcement Act of 2020 statutory text, as codified at chapter 15 of title 17 of the United States Code.

(b) *Client consent.* The law student representative shall have the written consent of the client to appear on that client's behalf.

(c) *Attorney supervision.* A law student who represents a party in a proceeding before the Board shall be supervised by an attorney who is qualified under applicable state law governing representation by law students, as specified in paragraph (a) of this section. In supervising the law student, the attorney shall adhere to any rules regarding participant conduct.

(d) *Confirmation of eligibility.* In accordance with the standards of professional conduct set forth in paragraph (j) of this section, the attorney supervising the work of the law student representative is responsible for confirming the law student's eligibility to appear before the Board as set forth in paragraph (a) of this section.

(e) *Signature and assent.* The law student representative or supervising attorney shall electronically or physically sign each document submitted to the Board on behalf of the law student's client. If the law student representative signs, the law student must identify the name of the supervising attorney on all documents signed by the law student representative. The law student must certify that the law student sought and obtained the supervising attorney's assent to the submission.

(f) *Notice of appearance.* In any proceeding in which a law student represents a party, a notice of appearance shall be filed identifying both the law student representative and the supervising attorney, unless already identified in the party's claim or response.

(g) *Filing documents.* All filings by a law student representative shall be made with the knowledge of the supervising attorney, who shall maintain an association with the law student representative in the Board's electronic filing system (eCCB). Supervising attorneys and law students shall maintain their own accounts in eCCB. A notice of withdrawal, and a notice of appearance if applicable, shall be filed whenever the identity of a law student representative or a supervising attorney has changed.

(h) *Appearance at hearings and conferences.* A supervising attorney shall accompany the law student representative to any hearings and conferences held in the course of the proceeding, absent leave of the Board for the law student to appear without a supervising attorney present.

(i) *Responsibility for continuity of case management.* The supervising attorney shall be responsible for all aspects of case management, including appearances and withdrawals, as well as continuity of representation during law school term transitions.

(j) *Applicability of rules of professional conduct.* Law student representatives are equally subject to any rules regarding participant conduct as any other attorney representatives. The supervising attorney has professional responsibility for the actions of the law student representative. The Board may hold supervising attorneys responsible for law student representative activity.

§ 234.2 *Pro bono* representation directory.

(a) *Publicly available directory.* The Board shall make a directory available on its website of law school clinics and of *pro bono* legal services organizations with a connection to a law school that have advised the Board that they are available, on a *pro bono* basis, to provide law student representation to clients in proceedings before the Board, and wish to be listed in the directory. Listing in the directory is not a requirement for eligible law school clinics or a *pro bono* legal services organizations to represent clients in Board proceedings.

(b) *Form for inclusion.* To be included in the public directory, the director of the law school clinic or *pro bono* legal services organization shall submit a form providing the following information for public dissemination:

(1) The name of the participating clinic or organization;

(2) The name of the law school where the clinic is based, or with which the organization is connected;

(3) The name of the director of the clinic or organization;

(4) A general contact email address and phone number;

(5) The geographic area from which the clinic or organization may accept clients;

(6) Whether the clinic or organization has handled copyright matters in the past two years;

(7) The nature of any copyright matters handled by the clinic or organization in the past two years;

(8) Whether the clinic or organization has experience in handling litigation matters;

(9) If the clinic or organization does not have litigation experience, whether it has a partnership with a litigation clinic or experience supervising law students in litigation matters;

(10) A brief statement describing the clinic or organization's interest in handling matters before the Board; and

(11) A certification that student representatives participating in Board proceedings in affiliation with the clinic or organization will meet all requirements of § 234.1(a).

(c) *Standards for inclusion.* Subject to paragraph (d) of this section, the Board will accept for inclusion in the public directory any law school clinic or *pro bono* legal services organization with a connection to a law school that certifies that its law student representatives will meet all requirements of § 234.1(a) and provides sufficient information pursuant to paragraph (b) of this section for participants in Board proceedings to evaluate whether representation is available and appropriate.

(d) *Removal from directory.* The Board may, in its discretion, remove a clinic or *pro bono* legal services organization from the directory if it determines that the clinic or organization is not suitable for representing clients before the Board, including, without limitation, if it determines that the clinic or organization has failed to properly update its information in the public directory.

(e) *Duty to update directory.* Participating clinics and *pro bono* legal services organizations, which have been listed in the directory, have a duty to maintain current information in the

directory and shall confirm the currency of the information on an annual basis.

Dated: April 4, 2022.

Shira Perlmutter,

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

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2022–07543 Filed 4–7–22; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0583; EPA–R05–OAR–2019–0311; EPA–R05–OAR–2020–0501; FRL–9056–04–R5]

Air Plan Approval; Illinois; Infrastructure SIP Requirements for the 2012 $PM_{2.5}$ and 2015 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) revision submitted by the State of Illinois regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 annual fine particulate matter ($PM_{2.5}$) and 2015 ozone National Ambient Air Quality Standards (NAAQS). Further, EPA is approving the infrastructure requirements related to Prevention of Significant Deterioration (PSD) for previous NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. EPA received comments on its September 29, 2021, proposed rule and withdrew the accompanying Direct Final Rule (DFR). After considering the comments, EPA is approving the revisions to the Illinois SIP as requested by the State on September 29, 2017, May 16, 2019, and September 22, 2020.

DATES: This final rule is effective on May 9, 2022.

ADDRESSES: EPA has established dockets for this action under Docket ID No. EPA–R05–OAR–2017–0583 (for $PM_{2.5}$), EPA–R05–OAR–2019–0311 (for ozone), and EPA–R05–OAR–2020–0501 (for PSD) at *https://www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. 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 either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Olivia Davidson, Environmental Scientist, at (312) 886–0266 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Olivia Davidson, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–0266, *davidson.olivia@epa.gov.*

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

I. Background

On September 29, 2021 (86 FR 53872), EPA published a DFR approving elements of infrastructure SIP revisions submitted by the Illinois Environmental Protection Agency (IEPA) on September 29, 2017, May 16, 2019, and September 22, 2020, to address the infrastructure requirements of CAA sections 110(a)(1) and (2) for the 2012 $PM_{2.5}$ and 2015 ozone NAAQS, respectively. In the DFR, EPA also approved the infrastructure requirements related to Prevention of Significant Deterioration (PSD) [1] for 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2008 ozone, 2008 lead, 2010 Nitrogen Dioxide (NO_2), and 2010 Sulfur Dioxide (SO_2) NAAQS. An explanation of the CAA requirements, a detailed analysis of the SIP submission, and EPA's reasons for proposing approval were provided in the DFR and will not be restated here.

In the DFR, EPA stated that if adverse comments were received by October 29, 2021, the rule would be withdrawn and not take effect. On October 27, 2021, EPA received one set of adverse comments and, as a result, revised its regulations on January 18, 2022 (87 FR 2554), because EPA was unable to withdraw the DFR before it took effect. EPA is addressing the comments in this final action based upon the notice of proposed rulemaking (NPRM) also published on September 29, 2021. *See* 86 FR 53915.

II. EPA's Response to Comments

A summary of the comments, and EPA's response, is provided below.

Comment: The commenters state that EPA should not have used a DFR for this action because EPA did not have good cause under 5 U.S.C. to forgo normal notice-and-comment procedures (*i.e.,* publishing an NPRM and accepting comments 30 days before the rule's effective date), because EPA allegedly did not find that compliance with the 30-day requirement was either ''impracticable, unnecessary, or contrary to the public interest,'' nor did EPA incorporate such a finding ''and a brief statement of the reasons therefor'' in the DFR. 5 U.S.C. 553(b)(B). In the DFR, EPA stated that this action was a ''noncontroversial amendment'' to the existing Illinois SIP and that it anticipated no adverse comments. The commenters argue that these statements fail to satisfy the good cause exemption under 5 U.S.C. 553. The commenters assert that infrastructure SIP actions, even when the public fails to comment, are not necessarily ''noncontroversial,'' because such actions involve detailed reviews and have been subject to litigation. For this reason, the commenters argue EPA should never use DFRs to approve an infrastructure SIP submission. The commenters encourage EPA to commence a separate rulemaking to govern its use of DFRs.

Response: EPA disagrees that it was inappropriate to use a DFR for this infrastructure SIP action. Since September 1981, EPA has used DFRs for SIP actions that are noncontroversial and where it reasonably expects no adverse public comments.[2] These

[1] Previously, PSD permits in Illinois have been issued under a Federal Implementation Plan (FIP). Since April 7, 1980, IEPA has issued PSD permits under a delegation agreement with EPA that authorizes IEPA to implement the FIP (January 29, 1981, 46 FR 9580). Under a November 16, 1981 amendment to the 1980 Delegation Agreement, IEPA also had the authority to amend or revise any PSD permit issued by EPA under the FIP. *See* 86 FR 22372, 22373 (April 28, 2021). On September 22, 2020, IEPA submitted to EPA a request to revise the Illinois SIP to establish a SIP-approved PSD program in Illinois, which was approved on September 9, 2021 (86 FR 50459), and addressed comments received during EPA's public comment period.

[2] *See* 46 FR 44476, 44477 (Sept. 4, 1981) (''Because of the straightforward nature of some actions or the narrowness of their scope, many SIP revisions get few, if any, comments from the public during the comment period.''); 47 FR 27073, 27074 (June 23, 1982) (''as part of EPA's new SIP processing program, a SIP revision that is judged by

Continued

actions have included approvals of infrastructure SIP submittals.[3] EPA's current procedure for these types of actions, as described in the DFR,[4] has been to publish a DFR for the SIP action and at the same time commence a conventional rulemaking proceeding for the same rule by publishing a NPRM.[5] If EPA receives adverse comments within 30 days after publishing the DFR, it withdraws the DFR by publishing a withdrawal action in the **Federal Register**; the substance of the DFR then serves as the detailed basis for the NPRM, and EPA addresses the adverse comments in the final rule. EPA believes this approach ''can save time and resources while maintaining the public's right to comment.'' [6]

EPA viewed Illinois' infrastructure SIP submissions for these specific NAAQS as noncontroversial and anticipated no adverse comment for two reasons. First, EPA believed that Illinois' SIP submissions for these NAAQS straightforwardly met the relevant CAA infrastructure SIP requirements. Second, IEPA in its own state level rulemaking process to develop the infrastructure SIP submissions held 30-day periods for the public to comment on or to submit public hearing requests for the 2012 $PM_{2.5}$ and 2015 ozone NAAQS (on June 23, 2017 and November 16, 2018, respectively), but IEPA received no requests for a public hearing during the comment periods and no comments on the portions of the Illinois submission addressed in the DFR.[7] The DFR included these details on the state level actions.[8] Because IEPA received no comments on the portions of Illinois' submissions on which EPA is acting during its own public comment periods, EPA did not believe the proposed SIP revision was controversial and expected no public comments for this action.

As the commenters point out, and consistent with Agency policy, EPA made a brief statement in the DFR that it viewed the action as a noncontroversial SIP amendment and anticipated no adverse comments.[9] In response to the adverse comments, EPA removed the DFR and is addressing the comments in this rule. As the NPRM and the DFR appeared on the same day in the **Federal Register** (September 29, 2021), EPA's procedure preserved the public's opportunity to comment on this action.

Comment: The commenters argue that the EPA's proposed approval of Illinois' submittal, which considered the 2021 Annual Air Monitoring Network Plan (the ''plan'') for satisfaction of CAA section 110(a)(2)(B), should have considered the 2022 plan.

Response: EPA disagrees that approval of the monitoring plan requirements of CAA section 110(a)(2)(B) cannot be finalized without approval of the 2022 plan. At the time of the proposal, EPA was still in the process of reviewing the 2022 plan. The 2021 plan was the most recently approved plan, and hence was the correct plan to reference for satisfaction of CAA section 110(a)(2)(B). As the commenters suggest, EPA was working with IEPA to establish a lead monitor location for approval as part of the 2022 plan, but this change would not affect the ability of the State to monitor $PM_{2.5}$ and ozone; in fact, the number of ozone and $PM_{2.5}$ monitors will not change under the 2022 plan.[10] Further, IEPA's submittal satisfies other requirements of CAA section 110(a)(2)(B) as discussed in the proposal. To fulfill monitoring network obligations, the submission must demonstrate that the state: (i) Monitors air quality at appropriate locations throughout the state using EPA-approved Federal Reference Method or Federal Equivalent Method monitors; (ii) submits data to EPA's Air Quality System in a timely manner; and (iii) provides EPA Regional Offices with prior notification of any planned changes to monitoring sites or the network plan.[11] All of the above elements are met by IEPA's submittal. Therefore, EPA continues to find that Illinois has met the infrastructure SIP requirements of CAA section 110(a)(2)(B) with respect to the 2012 $PM_{2.5}$ and 2015 ozone NAAQS.

Comment: Lastly, the commenters claim that Illinois failed to provide necessary assurances under CAA section 110(a)(2)(E) that the state will have adequate funding and personnel to carry out its approved SIP. In particular, the commenters claim that the assurances IEPA did provide are vague and limited to permitting activities. The commenters also allege that IEPA has for many years been understaffed and under-resourced to handle its existing volume of regulatory obligations.

Response: EPA disagrees that IEPA has not provided sufficient information about its funding and personnel to provide necessary assurances as required by section 110(a)(2)(E). EPA acknowledges that IEPA has had staff and funding declines over the years due to reduced legislative budget allocations, facility shutdowns that result in reduced permitting fees (particularly by large emitters such as coal-fired power plants), and other factors. However, EPA disagrees that IEPA's assurances to meet CAA section 110(a)(2)(E) are too vague and limited to permitting. In response to the commenter's concern, EPA has again evaluated the information provided concerning its funding and personnel for implementation of its SIP and has concluded that IEPA has provided necessary assurances sufficient to meet the requirements of section 110(a)(2)(E) with respect to the 2012 $PM_{2.5}$ and 2015 ozone NAAQS.

While CAA section 110(a)(2)(E) requires each state to provide necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP, it does not mandate a specific methodology for EPA to use when evaluating the adequacy of resources to implement the SIP. *See* 76 FR 42549, 42554 (July 19, 2011). Even so, the commenters only highlight budget cuts at IEPA leading up to 2018, but do not

EPA to be noncontroversial and where no adverse public comments are anticipated, will be published as a final rulemaking without first going through a proposed rulemaking phase''); 59 FR 24054, 24054 (May 10, 1994) (actions that are noncontroversial, and where no adverse public comment is anticipated, ''do not have to be limited to trivial administrative changes''). *See also* Ronald M. Levin, *Direct Final Rulemaking,* 64 Geo. Wash. L. Rev. 1, 4–6 (1995); Memorandum from Leslye Fraser, Asst. Gen. Counsel, U.S. EPA, *Guidance on Direct Final Rulemaking* (Oct. 29, 1998), *available at https://cfpub.epa.gov/oarwebadmin/sipman/sipman/mAppContent.cfm?chap=99&OtherFile=appendix/dfrguide&RequestTimeOut=500* (actions that are noncontroversial and for which EPA expects no adverse comment ''generally include non-controversial amendments, non-controversial rulemakings, and routine or minor actions'').

[3] For recent examples, see 85 FR 14578 (March 13, 2020) and 82 FR 43848 (September 20, 2017).

[4] 86 FR 53880 (September 29, 2021).

[5] For EPA's description of this procedure, see 59 FR at 24054 (May 10, 1994) and Fraser, *supra* note 2. *See also* 47 FR 27074 (June 23, 1982) (requiring EPA to state in DFRs for SIP revisions that ''no comments are anticipated and that, unless notice is received within 30 days that someone wishes to submit adverse or critical comments, the rulemaking will be effective 60 days from the date the notice is published'').

[6] 46 FR 44777 (September 8, 1981).

[7] Illinois' September 22, 2020, submittal also requested a SIP revision to establish a SIP-approved PSD program in Illinois. EPA approved the PSD permitting program on September 9, 2021 (86 FR 50459). In the final rule, EPA responded to adverse comments received during the public comment period for its proposed approval of Illinois' PSD program. Further, IEPA received comments on section 110(a)(2)(D)(i)(I) Prongs 1 and 2 pertaining to interstate transport requirements, of which EPA disapproved on February 22, 2022 (87 FR 9838).

[8] 86 FR at 53873.

[9] *Id.* at 53880. Nearly identical statements appear in recent DFRs, *supra* n.3. *See* 85 FR at 14584 (March 13, 2020); 82 FR at 43849 (September 20, 2017). They are all consistent with the guidance in the Fraser Memorandum, *supra* n.2.

[10] The 2022 plan is available on IEPA's website and was available for public comment in July 2021. The 2022 plan has since been approved by EPA as of December 21, 2021.

[11] See generally, 40 CFR part 58.

consider increases in IEPA's revenue and budget. For instance, as discussed in IEPA's referenced submissions, Public Act 097–0095/House Bill 1297 [12] was signed into effect in 2011 by the Illinois Governor to increase operating permit fees. More recently, EPA notes the increase in enacted funding for IEPA to $380 million in 2019, $450 million in 2020, and $514 million in 2021.[13] Further, staff in IEPA's Bureau of Air has increased from 164 to an estimated 185 (with 194 targeted for FY 2022), and the enacted appropriation for the Bureau of Air has increased from $147,825,800 in FY 2020 to $156,808,200 in FY 2021 (with $158,536,300 proposed for FY 2022).[14]

While the commenters expressed concern that that IEPA's statement about its current number of full-time permit engineers and the revenue stream from permit fees is unreasonably vague and can't be relied upon for SIP approval, EPA did not rely solely on this statement in evaluating Illinois' submittal with respect to funding and personnel. In addition to the budget figures cited above and other sources of funding available to the State under State statutes and rules pursuant to CAA section 110(a)(2), EPA considered IEPA's fulfillment of its obligations under the Performance Partnership Agreement with EPA.[15] EPA also considered IEPA's fulfillment of its grant obligations under CAA section 105, which provides monies to help support the foundation of the state's air quality program, including air monitoring, enforcement, and SIP development. States are required to provide matching monies to receive their grant, and EPA evaluates the performance of the State each year. EPA determined in July 2021 that, as of fiscal year 2020, Illinois has satisfactorily completed its air program obligations as called for under the CAA section 105 grant, including meeting specific measures related to maintenance of an EPA-approved statewide air quality surveillance network required by section 110(a)(2)(B) of the CAA.

If, in the future, EPA determines that Illinois does not have adequate personnel or funding to carry out its SIP, or for any other reason fails to meet any requirement of its approved SIP, then EPA may exercise its authority pursuant to CAA sections 110(a)(2)(E), 179, or 110(k)(5) to impose sanctions and other remedies on the State as allowed by the CAA. The action that EPA is taking here does not limit EPA's authority pursuant to those CAA sections.[16]

III. What action is EPA taking?

EPA is approving the majority of two infrastructure SIP submissions from IEPA to address the required infrastructure elements under sections 110(a)(1) and (2) for the 2012 $PM_{2.5}$ and 2015 ozone NAAQS.[17] The table below summarizes EPA's actions on Illinois' submittal in satisfaction of the infrastructure SIP requirements pursuant to section 110(a)(2).[18] Additionally, EPA is approving Illinois' submission as meeting the infrastructure SIP requirements of sections 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) pertaining to PSD requirements with respect to the 1997 ozone, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, 2008 ozone, 2008 lead, 2010 NO_2, and 2010 SO_2 NAAQS.

Element	2012 $PM_{2.5}$	2015 ozone
(A)—Emission limits and other control measures	A	A
(B)—Ambient air quality monitoring/data system	A	A
(C)1—Program for enforcement of control measures	A	A
(C)2—Minor NSR	A	A
(C)3—PSD	A	A
(D)1—I Prong 1: Interstate transport—significant contribution to nonattainment	PA	PD
(D)2—I Prong 2: Interstate transport—interference with maintenance	PA	PD
(D)3—II Prong 3: Interstate transport—interference with PSD	A	A
(D)4—II Prong 4: Interstate transport—interference with visibility protection	NA	NA
(D)5—Interstate and international pollution abatement	A	A
(E)1—Adequate resources	A	A
(E)2—State board requirements	A	A
(F)—Stationary source monitoring system	A	A
(G)—Emergency powers	A	A
(H)—Future SIP revisions	A	A
(I)—Nonattainment planning requirements of part D	*	*
(J)1—Consultation with government officials	A	A
(J)2—Public notification	A	A
(J)3—PSD	A	A
(J)4—Visibility protection	*	*
(K)—Air quality modeling/data	A	A
(L)—Permitting fees	A	A
(M)—Consultation/participation by affected local entities	A	A

In the above table, the key is as follows:

A	Approve.
NA	No Action/Separate Rulemaking.
PA	Previously Approved.
PD	Previous Proposed Disapproval.
D	Disapprove.

[12] *See* Chapter 415, section 5 of the Illinois Compiled Statutes (415 ILCS 5/9.6).

[13] *See https://www2.illinois.gov/sites/budget/Pages/InteractiveBudget.aspx* (last visited Feb. 1, 2022). The enacted total IEPA budget for 2021 appears to be the same figure as proposed by the Illinois Governor. *See https://www2.illinois.gov/sites/budget/Documents/Budget%20Book/FY2021-Budget-Book/Fiscal-Year-2021-Operating-Budget-Book.pdf* at 79.

[14] *See* Ill. Office of Mgmt. & Budget, Exec. Office of the Governor, Ill. State Operating Budget, Fiscal Year 2022, *available at https://www2.illinois.gov/sites/budget/Documents/Budget%20Book/FY2022-Budget-Book/Fiscal-Year-2022-Operating-Budget.pdf.*

[15] *See https://www2.illinois.gov/epa/about-us/Pages/performance-partnership-agreement.aspx.*

[16] *See also,* 86 FR 50459, 50462.

[17] EPA emphasizes that the recently approved PSD provisions discussed in 110(a)(2)(C), (D) and (J) are not limited to ozone and $PM_{2.5}$. *See* Applicability of PSD requirements section in the DFR for more information on elements approved for the 1997 ozone, 2008 ozone, 2008 lead, 2010 NO_2, 1997 $PM_{2.5}$, 2006 $PM_{2.5}$, and 2010 SO_2 NAAQS. 86 FR at 53879.

[18] In the time since proposed approval of this action, the portion of IEPA's submission addressing 2015 ozone transport, section 110(a)(2)(D)(i)(I) prongs 1 and 2 has been proposed for disapproval (February 22, 2022, 87 FR 9838).

*	Not germane to infrastructure SIPs.

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, 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).

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 7, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: April 1, 2022.

Debra Shore,

Regional Administrator, Region 5.

For the reasons stated in the preamble, 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.*

■ 2. In § 52.720, the table in paragraph (e) is amended under the heading ''Section 110(a)(2) Infrastructure Requirements'' by:

■ a. Revising the entries for ''1997 8-hour Ozone NAAQS Infrastructure Requirements'', ''1997 $PM_{2.5}$ NAAQS Infrastructure Requirements'', ''2006 24-hour $PM_{2.5}$ Infrastructure Requirements'', ''2008 Lead Infrastructure Requirements'', ''2008 Ozone NAAQS Infrastructure Requirements'', ''2010 NO_2 NAAQS Infrastructure Requirements'', ''2010 SO_2 NAAQS Infrastructure Requirements'', and ''2012 $PM_{2.5}$ NAAQS Infrastructure Requirements''; and

■ b. Adding an entry for ''2015 Ozone NAAQS Infrastructure Requirements'' at the end of the table.

The revisions and addition read as follows:

§ 52.720 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements				
1997 8-hour Ozone NAAQS Infrastructure Requirements.	Statewide	12/12/2007 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2]. A FIP is in place for these elements.
1997 $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	12/12/2007 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2]. A FIP is in place for these elements.
2006 24-hour $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	8/9/2011, supplemented on 8/25/2011, 6/27/2012, 7/5/2017 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2]. A FIP is in place for these elements.

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
2008 Lead NAAQS Infrastructure Requirements.	Statewide	12/31/2012, 7/5/2017 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved.
2008 Ozone NAAQS Infrastructure Requirements.	Statewide	12/31/2012, 7/5/2017 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2]. A FIP is in place for these elements.
2010 NO_2 NAAQS Infrastructure Requirements.	Statewide	12/31/2012, 7/5/2017 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved.
2010 SO_2 NAAQS Infrastructure Requirements.	Statewide	12/31/2012, 7/5/2017 and 9/22/2020.	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) [Prongs 1 and 2], which have not yet been submitted.
2012 $PM_{2.5}$ NAAQS Infrastructure Requirements.	Statewide	9/29/2017 and 9/22/2020	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(II) Prong 4.
2015 Ozone NAAQS Infrastructure Requirements.	Statewide	5/16/2019 and 9/22/2020	4/8/2022, [Insert **Federal Register** Citation].	All CAA infrastructure elements under 110(a)(2) have been approved except (D)(i)(I) and Prong 4 of (D)(i)(II) Prong 4.
*	*	*	*	*

* * * * *

[FR Doc. 2022–07346 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0495; FRL–8920–01–OCSPP]

Bacillus Subtilis Strain AFS032321; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *Bacillus subtilis* strain AFS032321 in or on all food commodities when used in accordance with label directions and good agricultural practices. AFS32321 Crop Protection, Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus subtilis* strain AFS032321 under FFDCA when used in accordance with this exemption.

DATES: This regulation is effective April 8, 2022. Objections and requests for hearings must be received on or before June 7, 2022 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0495, 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 are closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@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://ecfr.federalregister.gov/current/title-40.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2020–0495 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 June 7, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b), although EPA strongly encourages those interested in submitting objections or a hearing request to submit objections and hearing requests electronically. *See* Order Urging Electronic Service and Filing (April 10, 2020), *https://www.epa.gov/sites/production/files/2020-05/*

documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf. At this time, because of the COVID–19 pandemic, the judges and staff of the Office of Administrative Law Judges are working remotely and not able to accept filings or correspondence by courier, personal delivery, or commercial delivery, and the ability to receive filings or correspondence by U.S. Mail is similarly limited. When submitting documents to the U.S. EPA Office of Administrative Law Judges (OALJ), a person should utilize the OALJ e-filing system at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

Although EPA's regulations require submission via U.S. Mail or hand delivery, EPA intends to treat submissions filed via electronic means as properly filed submissions during this time that the Agency continues to maximize telework due to the pandemic; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. If it is impossible for a person to submit documents electronically or receive service electronically, *e.g.,* the person does not have any access to a computer, the person shall so advise OALJ by contacting the Hearing Clerk at (202) 564–6281. If a person is without access to a computer and must file documents by U.S. Mail, the person shall notify the Hearing Clerk every time it files a document in such a manner. The address for mailing documents is U.S. Environmental Protection Agency, Office of Administrative Law Judges, Mail Code 1900R, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2020–0495, 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/where-send-comments-epa-dockets.*

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

II. Background

In the **Federal Register** of December 21, 2020 (85 FR 82998) (FRL–10016–93), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance exemption petition (PP 9F8816) by AFS32321 Crop Protection, Inc., P.O. Box 14069, Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the bactericide and fungicide *Bacillus subtilis* strain AFS032321 in or on all food commodities. That document referenced a summary of the petition prepared by the petitioner AFS32321 Crop Protection, Inc. and available in the docket via *https://www.regulations.gov.* No comments were received on the notice of filing.

III. Final Rule

A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption 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. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicological and exposure data on *Bacillus subtilis* strain AFS032321 and considered their validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on those data can be found within the document entitled ''*Bacillus subtilis* strain AFS032321 (PC Code: 006072) Human Health Risk Assessment in support of Section 3 Product Registration under PRIA Action Code B590—New active ingredient; food use; petition to establish a tolerance exemption'' (*Bacillus subtilis* strain AFS032321 Human Health Risk Assessment). This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The available data and rationale demonstrated that, with regard to humans, *Bacillus subtilis* strain AFS032321 is not toxic, pathogenic, or infective via the oral route of exposure when administered by oral gavage at a single dose of 5.4×10^8 colony-forming units per test animal; is not anticipated to be toxic, pathogenic, or infective via the pulmonary route of exposure; is not anticipated to be toxic via the dermal route of exposure; and is moderately irritating via the dermal route of exposure. Additionally, the acute oral toxicity/pathogenicity study demonstrated a pattern of clearance of *Bacillus subtilis* strain AFS032321 from the organs and feces of the test animals. Although there may be some dietary and non-occupational exposures to residues of *Bacillus subtilis* strain AFS032321 when used in accordance with label directions and good agricultural practices, there is not a concern due to the lack of potential for adverse effects. For example, no significant adverse effects have been associated with dietary exposure to *Bacillus subtilis* group strains, of which this active ingredient is a part, and these organisms are often present in agricultural settings (*i.e.,* water, soil, and plant roots) and are commonly found on various types of fresh produce. Because there are no threshold levels of concern with the toxicity, pathogenicity, or infectivity of *Bacillus subtilis* strain AFS032321, EPA determined that no additional margin of safety is necessary to protect infants and children as part of the qualitative assessment conducted. Based upon its

evaluation in the *Bacillus subtilis* strain AFS032321 Human Health Risk Assessment, which concludes that there are no risks of concern from aggregate exposure to *Bacillus subtilis* strain AFS032321, EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of *Bacillus subtilis* strain AFS032321.

B. Analytical Enforcement Methodology

An analytical method is not required for *Bacillus subtilis* strain AFS032321 because EPA is establishing an exemption from the requirement of a tolerance without any numerical limitation.

C. Conclusion

Therefore, an exemption from the requirement of a tolerance is established for residues of *Bacillus subtilis* strain AFS032321 in or on all food commodities when used in accordance with label directions and good agricultural practices.

IV. Statutory and Executive Order Reviews

This action establishes a tolerance exemption under FFDCA section 408(d) in response to a petition submitted to EPA. 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, 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 exemption in this action, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (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. As a result, this action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, EPA 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, EPA 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 (2 U.S.C. 1501 *et seq.*).

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

V. 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: April 1, 2022.

Edward Messina,

Director, 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. Add § 180.1386 to subpart D to read as follows:

§ 180.1386 Bacillus subtilis strain AFS032321; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *Bacillus subtilis* strain AFS032321 in or on all food commodities when used in accordance with label directions and good agricultural practices.

[FR Doc. 2022–07561 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 302

[EPA–HQ–OLEM–2022–0299; FRL–9335–01–OLEM]

Addition of 1-Bromopropane to the List of CERCLA Hazardous Substances; List of Hazardous Substances; Technical Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is issuing a technical amendment to modify the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list of hazardous substances, to be consistent with the statutory provisions that currently comprise this list. These modifications include adding the Clean Air Act (CAA) HAP 1-Bromopropane and removing the Resource Conservation and Recovery Act (RCRA) vacated K-Code Wastes: K064, K065, K066, K090, and K091. The Agency is also adding clarifying language, correcting a Chemical Abstract Service Registry Number (CASRN), and modifying the formatting of hazardous substance isomers and homologs that are listed with parent substances.

DATES: This final rule is effective on April 8, 2022.

FOR FURTHER INFORMATION CONTACT: Jennifer Barre, U.S. Environmental Protection Agency, Office of Emergency Management, (MC: 5104A), 1200 Pennsylvania Avenue NW, Washington,

DC 20460; 202–564–9026; *Barre.Jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

Entities that may be affected by this action include: (a) Industry: Manufacturers, handlers, transporters, and other users of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances, (b) State, local, or Tribal governments: State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), Tribal Emergency Planning Committees (TEPCs), (c) First responders: fire departments, (d) Federal government: National Response Center, any federal agency that has regulations based on the CERCLA regulation, and any federal agency that may release or respond to releases of these substances.

This technical amendment is modifying 40 CFR 302.4 and Table 302.4 ''List of Hazardous Substances and Reportable Quantities.'' Table 302.4 provides a list of hazardous substances as defined by the statute [CERCLA section 101(14); 42 U.S.C. 9601(14)] to include the following substances: (1) *Clean Water Act (CWA) Hazardous Substances* per section 311(b)(2) of the CWA [40 CFR 116.4; 33 U.S.C. 1321(b)(2)(A)], (2) *CWA Toxic Pollutants* per section 307(a) of the CWA [40 CFR 401.15, 40 CFR part 423 Appendix A, and 40 CFR 131.36; 33 U.S.C. 1317(a)], (3) *Clean Air Act* (*CAA) Hazardous Air Pollutants (HAPs)* per section 112(b) of the CAA [42 U.S.C. 7412(b); Pub. L. 101–549 November 15, 1990] [1], and (4) *Resource Conservation and Recovery Act (RCRA) Hazardous Wastes* per section 3001 of the RCRA [40 CFR part 261 Subpart D—Lists of Hazardous Wastes; 42 U.S.C. 6921].

II. What does this amendment do?

This technical amendment is revising the list of CERCLA hazardous substances in 40 CFR part 302, Table 302.4 to be consistent with the statutory provisions that currently comprised this list (CWA Hazardous Substances, CWA Toxic Pollutants, CAA HAPs, and RCRA Hazardous Wastes). As further described below, the EPA is updating various CASRNs in this action so that they are consistent with the hazardous substance listing authorities and align with the Chemical Abstract Service, which is a division of the American Chemical Society and is the authoritative source for CASRNs. The entire Table 302.4 is being reprinted in this FR notice due to the complexity of transcribing the technical changes. The following is a list of the technical amendments that are being made within Table 302.4:

(a) Adding the CAA HAP 1-Bromopropane (1–BP) (CASRN 106–94–5) and its synonym n-Propyl bromide (nPB), pursuant to CERCLA section 101(14) and the establishment of a one-pound reportable quantity (RQ), per the statutory default set in CERCLA section 102(b). Also, adding the statutory code ''3'' indicating that this is a CAA HAP. This technical amendment is due to 1-Bromopropane being added as a CAA HAP. [87 FR 393, January 5, 2022]

(b) Deleting the RCRA Hazardous Waste vacated K-Code substances: K064, K065, K066, K090, and K091. This technical amendment is due to removal of these five waste codes from the list of RCRA Hazardous Wastes. [75 FR 12993, March 18, 2010; 64 FR 56470, October 20, 1999; 63 FR 28599, May 26, 1998]

(c) Removing the CWA Toxic Pollutants Statutory Code ''2'' for Dichloromethyl ether (CASRN 542–88–1) and its synonyms: Methane, oxybis(chloro- and Bis(chloromethyl) ether. This technical correction is being made due to a clerical error; Dichloromethyl ether is not and has not been listed as a CWA Toxic Pollutant. [40 CFR 401.15, 40 CFR part 423 Appendix A, and 40 CFR 131.36]

(d) Removing the CWA Toxic Pollutants Statutory Code ''2'' for ''4,6-Dinitro-o-cresol, and salts'' and its synonym ''Phenol, 2-methyl-4,6-dinitro-, & salts'' (CASRN 534–52–1). And, adding the CWA Priority Toxic Pollutant ''4,6-Dinitro-o-cresol'' and its synonym ''Phenol, 2-methyl-4,6-dinitro-.'' These technical corrections are being made due to a clerical error; the words '', & salts'' do not and have not appeared in the CWA Toxic Pollutants lists. [40 CFR 401.15, 40 CFR part 423 Appendix A, and 40 CFR 131.36]

(e) Adding the CWA Toxic Pollutants Statutory Code ''2'' for the CWA Toxic Pollutants: Dichlorobenzene (25321–22–6), Dichloropropane (CASRN 26638–19–7), Dichloropropene (CASRN 26952–23–8), and Trichlorophenol (CASRN 25167–82–2). This technical correction is due to a clerical error; these substances are CWA Toxic Pollutants. [44 FR 44503, July 30, 1979; 40 CFR 401.15, 40 CFR part 423 Appendix A, and 40 CFR 131.36]

(f) Removing the CAA HAP statutory Code ''3'' for Methyl ethyl ketone (CASRN 78–93–3), its entry under F005, and its synonyms: 2-Butanone and MEK. This technical correction is being made because Methyl ethyl ketone was removed from the list of HAPs. [70 FR 75047, December 19, 2005]

(g) Removing the RCRA Hazardous Waste Code ''4'' and the RCRA waste number ''U204'' from Selenium oxide (CASRN 12640–89–0). These technical corrections are due to a technical error. Selenium oxide is not considered a RCRA Hazardous Waste. [40 CFR part 261 subpart D]

(h) Adding the RCRA Hazardous Waste Code ''4'' for ''4,4′-DDE'' (72–55–9) and its synonym ''DDE.'' This technical correction is due to a clerical error. 4,4–DDE is a RCRA Hazardous Waste. [40 CFR part 261 subpart D]

(i) Adding CASRNs for ''Chlordane, alpha & gamma isomers'' (5103–71–9) and (5103–74–2), Dichlorobenzidine (1331–47–1), Diphenylhydrazine (38622–18–3), and Nitrophenols (25154–55–6). These CASRNs are provided in Table 302.4 and Appendix A to Table 302.4 to facilitate identification of substances.

(j) Correcting CASRNs for the following substances: Updating ''Arsenic disulfide'' 1303–32–8 to 12044–79–0; removing ''Chromic acid'' 11115–74–5 as it has been replaced with 7738–94–5, which is already listed; updating ''Cupric oxalate'' 5893–66–3 to 55671–32–4; and removing ''Lead stearate'' 52652–59–2 as it has been replaced with 56189–09–4, which is already listed. These technical corrections align Table 302.4 with the current CASRNs for these substances.

(k) Reordering the following hazardous substances, that are names of categories of chemicals, prior to the names of hazardous substances that fit into these broader categories: ''ANTIMONY AND COMPOUNDS'', ''Antimony Compounds'', ''Aroclors'', ''ARSENIC AND COMPOUNDS'', ''Arsenic Compounds (inorganic including arsenic)'', ''BERYLLIUM AND COMPOUNDS'', ''CADMIUM AND COMPOUNDS'', ''CHLORDANE (TECHNICAL MIXTURE AND METABOLITES)'', ''CHROMIUM AND COMPOUNDS'', ''Chromium Compounds'', ''COPPER AND COMPOUNDS'', ''CYANIDES'', ''ENDOSULFAN AND METABOLITES'', ''ENDRIN AND METABOLITES'', ''HEPTACHLOR AND METABOLITES'', ''LEAD AND COMPOUNDS'', ''MERCURY AND COMPOUNDS'', ''Mercury Compounds'', ''NICKEL AND COMPOUNDS'', ''NITROPHENOLS'', ''SELENIUM AND COMPOUNDS'', ''Selenium Compounds'', ''SILVER AND COMPOUNDS'', ''THALLIUM AND

[1] The original list of HAPs has been modified by the EPA in the following **Federal Register** Notices: 70 FR 75047, December 19, 2005; 69 FR 69320, November 29, 2004; 61 FR 30816, June 18, 1996; 65 FR 47342, August 2, 2000, and 87 FR 393, January 5, 2022.

COMPOUNDS'', ''Xylene (mixed)'', ''Xylenes (isomers and mixture)'', and ''ZINC AND COMPOUNDS''. These technical corrections make the list easier to read.

(l) Reordering the following hazardous substances grouped as isomers and homologs to be in alphabetical and numerical order: 1,2-Dichloropropane, 1,3-Dichloropropene, 2,4-Dinitrophenol, and 3,4-Dinitrotoluene. These technical corrections make the list easier to read.

(m) Indenting hazardous substances that are isomers, homologs, or formulations under their parent compounds, where they were not already indented [Aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260; Cresols m-, o-, and p-; Dichlorobenzenes 1,2- (o-), 1,3- (m-), and 1,4- (p-); 3,3-Dichlorobenzidine; Dichloropropanes 1,1- and 1,3-; 3-Dichloropropene; 2,4-Dinitrophenol; Dinitrotoluenes 2,4- and 2,6-; Endosulfans alpha- and beta; Nitrophenols 2- (o-) and 4- (p-); Trichlorophenols 2,4,5- and 2,4,6-; and m-Xylenes m-, o-, and p-]. These technical corrections make the list easier to read.

(n) Providing isomers that were already indented with the statutory codes, RCRA waste numbers, and the reportable quantity values of their parent hazardous substance (Amyl acetates iso-, sec-, and tert-; Butyl acetates iso-, sec-, and tert-; Butylamines iso-, sec-, and tert-; iso-Butyric acid, 2,3-Dichloropropene; Dinitrobenzenes m-, o-, and p-; Dinitrophenols 2,5- and 2,6-; 3,4-Dinitrotoluene; m-Nitrophenol; Nitrotoluenes m-, o-, and p-; and Trichlorophenols 2,3,4-, 2,3,5-, 2,3,6-, and 3,4,5-). These technical corrections make the list easier to read.

(o) Reformatting the CASRNs to add hyphens where they are missing. Hyphens were added to the hazardous substances in Table 302.4 on July 9, 2002 (67 FR 45316). On August 16, 2016 (71 FR 47106), 57 hazardous substances were added to Table 302.4 without hyphens. Adding hyphens to the CASRNs for those 57 hazardous substances as follows: A2213 (30558–43–1); Aldicarb sulfone (1646–88–4); Barban (101–27–9); Bendiocarb (22781–23–3); Bendiocarb phenol (22961–82–6); Benomyl (17804–35–2); 1,3-Benzodioxol-4-ol, 2,2-dimethyl- (22961–82–6); 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate (22781–23–3); 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl- (1563–38–8); Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1) (57–64–7); Carbamic acid, 1H-benzimidazol-2-yl, methyl ester (10605–21–7); Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-,methyl ester (17804–35–2); Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester (101–27–9); Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester (55285–14–8); Carbamic acid, dimethyl-,1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester (644–64–4); Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester (119–38–0); Carbamic acid, methyl-, 3-methylphenyl ester (1129–41–5); Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester (23564–05–8); Carbamic acid, phenyl-, 1-methylethyl ester (122–42–9); Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester (2303–17–5); Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester (52888–80–9); Carbendazim (10605–21–7); Carbofuran phenol (1563–38–8); Carbosulfan (55285–14–8); m-Cumenyl methylcarbamate (64–00–6); Diethylene glycol, dicarbamate (5952–26–1); Dimetilan (644–64–4); 1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime (26419–73–8); Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester (30558–43–1); Ethanimidothioic acid, 2-(dimethylamino)-N-[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester (23135–22–0); Ethanimidothioic acid, N,N′-[thiobis[(methylimino) carbonyloxy]]bis-, dimethyl ester (59669–26–0); Ethanol, 2,2′-oxybis-, dicarbamate (5952–26–1); Formetanate hydrochloride (23422–53–9); Formparanate (17702–57–7); Isolan (119–38–0); 3-Isopropylphenyl N-methylcarbamate (64–00–6); Manganese, bis (dimethylcarbamodithioato-S,S′)-(15339–36–3); Manganese dimethyldithiocarbamate (15339–36–3); Methanimidamide, N,N-dimethyl-N′-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride (23422–53–9); Methanimidamide, N,N-dimethyl-N′-[2-methyl-4- [[(methylamino) carbonyl]oxy]phenyl]- (17702–57–7); Metolcarb (1129–41–5); Oxamyl (23135–22–0); Phenol, 3-(1-methylethyl)-, methyl carbamate (64–00–6); Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate (2631–37–0); Physostigmine (57–47–6); Physostigmine salicylate (57–64–7); Promecarb (2631–37–0); Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime (1646–88–4); Propham (122–42–9); Prosulfocarb (52888–80–9); Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)- (57–47–6); Thiodicarb (59669–26–0); Thiophanate-methyl (23564–05–8); Tirpate (26419–73–8); Triallate (2303–17–5); Zinc, bis(dimethylcarbamodithioato-S,S′)-(137–30–4); and Ziram (137–30–4). Also, the EPA is updating the entire Appendix A to Table 302.4 to add the CASRNs throughout the appendix. These technical corrections make the list easier to read.

(p) Removing the duplicate entries for Zinc cyanide (CASRN 557–21–1) and ''Phenol, 3-(1-methylethyl)-, methyl carbamate (m-Cumenyl methylcarbamate)'' (CASRN 64–00–6) from Appendix A to Table § 302.4. This is a technical correction to make the list easier to read.

(q) Moving the Final RQ for Propionaldehyde (CASRN 123–38–6) ''1000 (454)'' from the ''RCRA waste No.'' column to the ''Final RQ [pounds (kg)]'' column. This technical correction is being made due to a clerical error that placed the value in the wrong column.

(r) Removing ''1,2,4'' from the Final RQ column in Table 302.4 for Titanium tetrachloride (CASRN 7550–45–0). This technical correction is being made due to a clerical error, these values do not belong in this column, nor are they statutory codes for this hazardous substance.

(s) Correcting the spelling of ''Dichloromethoxy ethane'' from ''Dichloromethoxyethane'' to be consistent with the listing for the substance as a RCRA Hazardous Waste. [40 CFR part 261 subpart D]

In addition to these technical amendments, the EPA is making six other technical corrections:

(1) Revising the heading title of 40 CFR 302.4 from ''Designation of Hazardous Substances'' to ''Hazardous Substances and Reportable Quantities.'' This technical correction to the title accurately represents the contents of the section; section 302.4 does not designate hazardous substances, but rather provides a list of hazardous substances as defined by the statute [CERCLA 101(14)].

(2) Revising the language in the note preceding Table 302.4 to add guidance on the applicability of the CASRNs that are provided in Table 302.4 and to provide citations to the regulatory lists that comprise the table, in addition to their statutory sources. These technical corrections are being made to provide a clear understanding of the usefulness of CASRNs and to provide a direct reference for users of the lists that comprise Table 302.4.

(3) Deleting one of the duplicate notes with the single dagger note symbol (†). This technical correction is being made due to a clerical error.

(4) Replacing the dagger note symbols (†, ††, and †††) with roman numeric superscripts ([II], [III], and [IV]). This technical correction is being made to allow for the addition of notes and to make the notes easier to identify and read.

(5) Revising the language in the note preceding Table 302.4 to provide a clarifying statement regarding CASRN limitations, adding the numeric note reference symbol ''[I]'' to the header for ''CASRN,'' and adding the numeric note reference ''[II]'' to the notes at the end of the table. These technical corrections are being made to clarify the limitations of CASRNs.

(6) Revising the header ''Final RQ pounds (Kg)'' to ''Final RQ [pounds (kg)].'' This technical correction is being made to add clarity to the table by separating the title of the column from the units of the values within the column.

III. Rulemaking Procedures and Findings of Good Cause

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment, because such notice and opportunity for comment is unnecessary for the following two reasons. First, 40 CFR 302.4 contains substances that are listed or designated as provided in CERCLA section 101(14). [48 FR 23554, May 25, 1983] These statutory provisions are currently (1) CWA Hazardous Substances, (2) CWA Toxic Pollutants, (3) CAA HAPs, and (4) RCRA Hazardous Wastes. Technically, once substances are added to or removed under these four statutory provisions, they are automatically considered or not considered as CERCLA hazardous substances. Of note, no revisions or changes are being made in this action under CERCLA section 9602 listing authority. Therefore, the addition and removal of substances from 40 CFR 302.4 is merely administrative and does not affect any substantive requirements. Secondly, the other modifications in this action are minor and non-substantive technical corrections. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Effective Date

Section 553(d)(3) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . as otherwise provided by the Agency for good cause.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' Gavrilovic, 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective immediately because it merely modifies 40 CFR 302.4 to be consistent with the list of substances from the statutes it is comprised of, corrects CASRN numbers to be accurate, and adjusts the formatting to make the lists easier to read. For this reason, the Agency finds that good cause exists under APA section 553(d)(3) to make this rule effective immediately upon publication.

V. Do any of the statutory and Executive Order reviews apply to this action?

Under Executive Order 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and is therefore not subject to the Office of Management and Budget (OMB) review. Additionally, this action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866. Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act (2 U.S.C. 1531–1538). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect tribes under Executive Order 13175 (65 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this final rule is not subject to review under Executive Order 12866, this final rule 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). Continuous release reporting is covered under OMB Control Number 2050–0086. This final rule does not contain any changes to the 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). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in Section III of the preamble, including the basis for that finding.

List of Subjects for 40 CFR Part 302

Environmental protection, Air Pollution control, Chemicals, Hazardous substances, Hazardous wastes, Water pollution control.

Dated: March 31, 2022.

Barry N. Breen,

Acting Assistant Administrator, Office of Land and Emergency Management.

For the reasons stated in the preamble, the EPA amends title 40, chapter I of the Code of Federal Regulations as follows:

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

■ 1. The authority citation for Part 302 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.,* 42 U.S.C. 9601 *et seq.,* 42 U.S.C. 9602, 42 U.S.C. 9603.

■ 2. Amend § 302.4 by:
■ a. Revising the section heading;
■ b. Removing the ''note'' after Paragraph (b)
■ c. Adding Notes I and II to Table 302.4;
■ d. Revising Table 302.4;
■ e. Revising Appendix A to § 302.4—Sequential CAS Registry Number List of CERCLA Hazardous Substances.

The revisions and additions read as follows:

§ 302.4 Hazardous substances and reportable quantities.

* * * * *

Note I to Table 302.4

The numbers under the column headed ''CASRN'' are the Chemical Abstracts Service Registry Numbers for each hazardous substance. CASRNs are unique numeric identifiers for specific substances. CASRNs are updated by the Chemical Abstract Service and are sometimes deleted or replaced. This list of CERCLA hazardous substances relies on information provided in the statutory lists that comprise the table. CASRNs are provided for convenience only to aid in the identification of the designated hazardous substance. Some CASRNs are given only for parent compounds. In some cases, a chemical name may have more than one CASRN associated with it due to the chemical's various forms; however, each CAS Registry Number is a unique numeric identifier and designates only one substance. That is, two substances, or two forms of a substance, do not have the same CAS Registry Number. If there is a discrepancy between the hazardous substance name and the listed CAS Registry Number, the hazardous substance names appearing in Table 302.4 should be used as the official means to determine if a given chemical or substance is reportable.

Note II to Table 302.4

Hazardous substances are given a Statutory Code based on their statutory source. The ''Statutory Code'' column indicates the statutory source for designating each substance as a CERCLA hazardous substance. Statutory Code ''1'' indicates a Clean Water Act (CWA) Hazardous Substance [40 CFR 116.4; 33 U.S.C. 1321(b)(2)(A)]. Statutory Code ''2'' indicates a CWA Toxic Pollutant [40 CFR 401.15, 40 CFR part 423 Appendix A, and/or 40 CFR 131.36; 33 U.S.C. 1317(a)]. Statutory Code ''3'' indicates a CAA HAP [42 U.S.C. 7412(b); Pub. L. 101–549 November 15, 1990; 70 FR 75047 December 19, 2005; 69 FR 69320 November 29, 2004; 61 FR 30816 June 18, 1996; 65 FR 47342 August 2, 2000; 87 FR 393 January 5, 2022]. Statutory Code ''4'' indicates Resource Conservation and Recovery Act (RCRA) Hazardous Wastes [40 CFR part 261 Subpart D—Lists of Hazardous Wastes; 42 U.S.C. 6921]. The ''RCRA waste No.'' column provides the waste identification numbers assigned by RCRA regulations. The ''Final RQ [pounds (kg)]'' column provides the reportable quantity for each hazardous substance in pounds and kilograms.

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
A2213	30558–43–1	4	U394	5000 (2270)
Acenaphthene	83–32–9	2		100 (45.4)
Acenaphthylene	208–96–8	2		5000 (2270)
Acetaldehyde	75–07–0	1,3,4	U001	1000 (454)
Acetaldehyde, chloro-	107–20–0	4	P023	1000 (454)
Acetaldehyde, trichloro-	75–87–6	4	U034	5000 (2270)
Acetamide	60–35–5	3		100 (45.4)
Acetamide, N-(aminothioxomethyl)-	591–08–2	4	P002	1000 (454)
Acetamide, N-(4-ethoxyphenyl)-	62–44–2	4	U187	100 (45.4)
Acetamide, N-9H-fluoren-2-yl-	53–96–3	3,4	U005	1 (0.454)
Acetamide, 2-fluoro-	640–19–7	4	P057	100 (45.4)
Acetic acid	64–19–7	1		5000 (2270)
Acetic acid, (2,4-dichlorophenoxy)-, salts & esters	94–75–7	1,3,4	U240	100 (45.4)
Acetic acid, ethyl ester	141–78–6	4	U112	5000 (2270)
Acetic acid, fluoro-, sodium salt	62–74–8	4	P058	10 (4.54)
Acetic acid, lead(2 +) salt	301–04–2	1,4	U144	10 (4.54)
Acetic acid, thallium(1 +) salt	563–68–8	4	U214	100 (45.4)
Acetic acid, (2,4,5-trichlorophenoxy)-	93–76–5	1,4	See F027	1000 (454)
Acetic anhydride	108–24–7	1		5000 (2270)
Acetone	67–64–1	4	U002	5000 (2270)
Acetone cyanohydrin	75–86–5	1,4	P069	10 (4.54)
Acetonitrile	75–05–8	3,4	U003	5000 (2270)
Acetophenone	98–86–2	3,4	U004	5000 (2270)
2-Acetylaminofluorene	53–96–3	3,4	U005	1 (0.454)
Acetyl bromide	506–96–7	1		5000 (2270)
Acetyl chloride	75–36–5	1,4	U006	5000 (2270)
1-Acetyl-2-thiourea	591–08–2	4	P002	1000 (454)
Acrolein	107–02–8	1,2,3,4	P003	1 (0.454)
Acrylamide	79–06–1	3,4	U007	5000 (2270)
Acrylic acid	79–10–7	3,4	U008	5000 (2270)
Acrylonitrile	107–13–1	1,2,3,4	U009	100 (45.4)
Adipic acid	124–04–9	1		5000 (2270)
Aldicarb	116–06–3	4	P070	1 (0.454)
Aldicarb sulfone	1646–88–4	4	P203	100 (45.4)
Aldrin	309–00–2	1,2,4	P004	1 (0.454)
Allyl alcohol	107–18–6	1,4	P005	100 (45.4)
Allyl chloride	107–05–1	1,3		1000 (454)
Aluminum phosphide	20859–73–8	4	P006	100 (45.4)
Aluminum sulfate	10043–01–3	1		5000 (2270)
4-Aminobiphenyl	92–67–1	3		1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
5-(Aminomethyl)-3-isoxazolol	2763–96–4	4	P007	1000 (454)
4-Aminopyridine	504–24–5	4	P008	1000 (454)
Amitrole	61–82–5	4	U011	10 (4.54)
Ammonia	7664–41–7	1		100 (45.4)
Ammonium acetate	631–61–8	1		5000 (2270)
Ammonium benzoate	1863–63–4	1		5000 (2270)
Ammonium bicarbonate	1066–33–7	1		5000 (2270)
Ammonium bichromate	7789–09–5	1		10 (4.54)
Ammonium bifluoride	1341–49–7	1		100 (45.4)
Ammonium bisulfilte	10192–30–0	1		5000 (2270)
Ammonium carbamate	1111–78–0	1		5000 (2270)
Ammonium carbonate	506–87–6	1		5000 (2270)
Ammonium chloride	12125–02–9	1		5000 (2270)
Ammonium chromate	7788–98–9	1		10 (4.54)
Ammonium citrate, dibasic	3012–65–5	1		5000 (2270)
Ammonium fluoborate	13826–83–0	1		5000 (2270)
Ammonium fluoride	12125–01–8	1		100 (45.4)
Ammonium hydroxide	1336–21–6	1		1000 (454)
Ammonium oxalate	6009–70–7	1		5000 (2270)
	5972–73–6			
	14258–49–2			
Ammonium picrate	131–74–8	4	P009	10 (4.54)
Ammonium silicofluoride	16919–19–0	1		1000 (454)
Ammonium sulfamate	7773–06–0	1		5000 (2270)
Ammonium sulfide	12135–76–1	1		100 (45.4)
Ammonium sulfite	10196–04–0	1		5000 (2270)
Ammonium tartrate	14307–43–8	1		5000 (2270)
	3164–29–2			
Ammonium thiocyanate	1762–95–4	1		5000 (2270)
Ammonium vanadate	7803–55–6	4	P119	1000 (454)
Amyl acetate	628–63–7	1		5000 (2270)
iso-Amyl acetate	123–92–2	1		5000 (2270)
sec-Amyl acetate	626–38–0	1		5000 (2270)
tert-Amyl acetate	625–16–1	1		5000 (2270)
Aniline	62–53–3	1,3,4	U012	5000 (2270)
o-Anisidine	90–04–0	3		100 (45.4)
Anthracene	120–12–7	2		5000 (2270)
ANTIMONY AND COMPOUNDS	N.A.	2,3		**
Antimony Compounds	N.A.	2,3		**
Antimony [III]	7440–36–0	2		5000 (2270)
Antimony pentachloride	7647–18–9	1		1000 (454)
Antimony potassium tartrate	28300–74–5	1		100 (45.4)
Antimony tribromide	7789–61–9	1		1000 (454)
Antimony trichloride	10025–91–9	1		1000 (454)
Antimony trifluoride	7783–56–4	1		1000 (454)
Antimony trioxide	1309–64–4	1		1000 (454)
Argentate(1-), bis(cyano-C)-, potassium	506–61–6	4	P099	1 (0.454)
Aroclors	1336–36–3	1,2,3		1 (0.454)
Aroclor 1016	12674–11–2	1,2,3		1 (0.454)
Aroclor 1221	11104–28–2	1,2,3		1 (0.454)
Aroclor 1232	11141–16–5	1,2,3		1 (0.454)
Aroclor 1242	53469–21–9	1,2,3		1 (0.454)
Aroclor 1248	12672–29–6	1,2,3		1 (0.454)
Aroclor 1254	11097–69–1	1,2,3		1 (0.454)
Aroclor 1260	11096–82–5	1,2,3		1 (0.454)
ARSENIC AND COMPOUNDS	N.A.	2,3		**
Arsenic Compounds (inorganic including arsine)	N.A.	2,3		**
Arsenic [III]	7440–38–2	2,3		1 (0.454)
Arsenic acid H3AsO4	7778–39–4	4	P010	1 (0.454)
Arsenic disulfide	12044–79–0	1		1 (0.454)
Arsenic oxide As2O3	1327–53–3	1,4	P012	1 (0.454)
Arsenic oxide As2O5	1303–28–2	1,4	P011	1 (0.454)
Arsenic pentoxide	1303–28–2	1,4	P011	1 (0.454)
Arsenic trichloride	7784–34–1	1		1 (0.454)
Arsenic trioxide	1327–53–3	1,4	P012	1 (0.454)
Arsenic trisulfide	1303–33–9	1		1 (0.454)
Arsine, diethyl-	692–42–2	4	P038	1 (0.454)
Arsinic acid, dimethyl-	75–60–5	4	U136	1 (0.454)
Arsonous dichloride, phenyl-	696–28–6	4	P036	1 (0.454)
Asbestos [IV]	1332–21–4	2,3		1 (0.454)
Auramine	492–80–8	4	U014	100 (45.4)
Azaserine	115–02–6	4	U015	1 (0.454)
Aziridine	151–56–4	3,4	P054	1 (0.454)
Aziridine, 2-methyl-	75–55–8	3,4	P067	1 (0.454)
Azirino[2′,3′:3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b- hexahydro-8a-methoxy-5- methyl-,[1aS- (1aalpha,8beta,8aalpha, 8balpha)]-.	50–07–7	4	U010	10 (4.54)
Barban	101–27–9	4	U280	10 (4.54)
Barium cyanide	542–62–1	1,4	P013	10 (4.54)
Bendiocarb	22781–23–3	4	U278	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Bendiocarb phenol	22961–82–6	4	U364	1000 (454)
Benomyl	17804–35–2	4	U271	10 (4.54)
Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56–49–5	4	U157	10 (4.54)
Benz[c]acridine	225–51–4	4	U016	100 (45.4)
Benzal chloride	98–87–3	4	U017	5000 (2270)
Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2propynyl)-	23950–58–5	4	U192	5000 (2270)
Benz[a]anthracene	56–55–3	2,4	U018	10 (4.54)
1,2-Benzanthracene	56–55–3	2,4	U018	10 (4.54)
Benz[a]anthracene, 7,12-dimethyl-	57–97–6	4	U094	1 (0.454)
Benzenamine	62–53–3	1,3,4	U012	5000 (2270)
Benzenamine, 4,4′-carbonimidoylbis (N,N dimethyl-	492–80–8	4	U014	100 (45.4)
Benzenamine, 4-chloro-	106–47–8	4	P024	1000 (454)
Benzenamine, 4-chloro-2-methyl-, hydrochloride	3165–93–3	4	U049	100 (45.4)
Benzenamine, N,N-dimethyl-4-(phenylazo)-	60–11–7	3,4	U093	10 (4.54)
Benzenamine, 2-methyl-	95–53–4	3,4	U328	100 (45.4)
Benzenamine, 4-methyl-	106–49–0	4	U353	100 (45.4)
Benzenamine, 4,4′-methylenebis [2-chloro-	101–14–4	3,4	U158	10 (4.54)
Benzenamine, 2-methyl-,hydrochloride	636–21–5	4	U222	100 (45.4)
Benzenamine, 2-methyl-5-nitro-	99–55–8	4	U181	100 (45.4)
Benzenamine, 4-nitro-	100–01–6	4	P077	5000 (2270)
Benzene [a]	71–43–2	1,2,3,4	U019	10 (4.54)
Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	510–15–6	3,4	U038	10 (4.54)
Benzene, 1-bromo-4-phenoxy-	101–55–3	2,4	U030	100 (45.4)
Benzenebutanoic acid, 4-[bis(2- chloroethyl)amino]-	305–03–3	4	U035	10 (4.54)
Benzene, chloro-	108–90–7	1,2,3,4	U037	100 (45.4)
Benzene, (chloromethyl)-	100–44–7	1,3,4	P028	100 (45.4)
Benzenediamine, ar-methyl-	95–80–7	3,4	U221	10 (4.54)
	496–72–0			
	823–40–5			
	25376–45–8			
1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117–81–7	2,3,4	U028	100 (45.4)
1,2-Benzenedicarboxylic acid, dibutyl ester	84–74–2	1,2,3,4	U069	10 (4.54)
1,2-Benzenedicarboxylic acid, diethyl ester	84–66–2	2,4	U088	1000 (454)
1,2-Benzenedicarboxylic acid, dimethyl ester	131–11–3	2,3,4	U102	5000 (2270)
1,2-Benzenedicarboxylic acid, dioctyl ester	117–84–0	2,4	U107	5000 (2270)
Benzene, 1,2-dichloro-	95–50–1	1,2,4	U070	100 (45.4)
Benzene, 1,3-dichloro-	541–73–1	2,4	U071	100 (45.4)
Benzene, 1,4-dichloro-	106–46–7	1,2,3,4	U072	100 (45.4)
Benzene, 1,1′-(2,2-dichloroethylidene) bis[4-chloro-	72–54–8	1,2,4	U060	1 (0.454)
Benzene, (dichloromethyl)-	98–87–3	4	U017	5000 (2270)
Benzene, 1,3-diisocyanatomethyl-	91–08–7	3,4	U223	100 (45.4)
	584–84–9			
	26471–62–5			
Benzene, dimethyl-	1330–20–7	1,3,4	U239	100 (45.4)
1,3-Benzenediol	108–46–3	1,4	U201	5000 (2270)
1,2-Benzenediol,4-[1-hydroxy-2-(methyl amino)ethyl]-	51–43–4	4	P042	1000 (454)
Benzeneethanamine, alpha,alpha-dimethyl-	122–09–8	4	P046	5000 (2270)
Benzene, hexachloro-	118–74–1	2,3,4	U127	10 (4.54)
Benzene, hexahydro-	110–82–7	1,4	U056	1000 (454)
Benzene, methyl-	108–88–3	1,2,3,4	U220	1000 (454)
Benzene, 1-methyl-2,4-dinitro-	121–14–2	1,2,3,4	U105	10 (4.54)
Benzene, 2-methyl-1,3-dinitro-	606–20–2	1,2,4	U106	100 (45.4)
Benzene, (1-methylethyl)-	98–82–8	3,4	U055	5000 (2270)
Benzene, nitro-	98–95–3	1,2,3,4	U169	1000 (454)
Benzene, pentachloro-	608–93–5	4	U183	10 (4.54)
Benzene, pentachloronitro-	82–68–8	3,4	U185	100 (45.4)
Benzenesulfonic acid chloride	98–09–9	4	U020	100 (45.4)
Benzenesulfonyl chloride	98–09–9	4	U020	100 (45.4)
Benzene,1,2,4,5-tetrachloro-	95–94–3	4	U207	5000 (2270)
Benzenethiol	108–98–5	4	P014	100 (45.4)
Benzene,1,1′-(2,2,2-trichloroethylidene) bis[4-chloro-	50–29–3	1,2,4	U061	1 (0.454)
Benzene,1,1′-(2,2,2-trichloroethylidene) bis[4-methoxy-	72–43–5	1,3,4	U247	1 (0.454)
Benzene, (trichloromethyl)-	98–07–7	3,4	U023	10 (4.54)
Benzene, 1,3,5-trinitro-	99–35–4	4	U234	10 (4.54)
Benzidine	92–87–5	2,3,4	U021	1 (0.454)
Benzo[a]anthracene	56–55–3	2,4	U018	10 (4.54)
1,3-Benzodioxole, 5-(1-propenyl)-1	120–58–1	4	U141	100 (45.4)
1,3-Benzodioxole, 5-(2-propenyl)-	94–59–7	4	U203	100 (45.4)
1,3-Benzodioxole, 5-propyl-	94–58–6	4	U090	10 (4.54)
1,3-Benzodioxol-4-ol, 2,2-dimethyl-	22961–82–6	4	U364	1000 (454)
1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	22781–23–3	4	U278	100 (45.4)
Benzo[b]fluoranthene	205–99–2	2		1 (0.454)
Benzo(k)fluoranthene	207–08–9	2		5000 (2270)
7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563–38–8	4	U367	10 (4.54)
7-Benzofuranol, 2,3-dihydro-2,2- dimethyl-, methylcarbamate	1563–66–2	1,4	P127	10 (4.54)
Benzoic acid	65–85–0	1		5000 (2270)
Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1).	57–64–7	4	P188	100 (45.4)
Benzonitrile	100–47–0	1		5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Benzo[rst]pentaphene	189–55–9	4	U064	10 (4.54)
Benzo[ghi]perylene	191–24–2	2		5000 (2270)
2H–1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts	81–81–2	4	P001	100 (45.4)
			U248	
Benzo[a]pyrene	50–32–8	2,4	U022	1 (0.454)
3,4-Benzopyrene	50–32–8	2,4	U022	1 (0.454)
ρ-Benzoquinone	106–51–4	3,4	U197	10 (4.54)
Benzotrichloride	98–07–7	3,4	U023	10 (4.54)
Benzoyl chloride	98–88–4	1		1000 (454)
Benzyl chloride	100–44–7	1,3,4	P028	100 (45.4)
BERYLLIUM AND COMPOUNDS	N.A.	2,3		**
Beryllium [III]	7440–41–7	2,3,4	P015	10 (4.54)
Beryllium chloride	7787–47–5	1		1 (0.454)
Beryllium compounds	N.A.	2,3		**
Beryllium fluoride	7787–49–7	1		1 (0.454)
Beryllium nitrate	13597–99–4	1		1 (0.454)
	7787–55–5			
Beryllium powder [III]	7440–41–7	2,3,4	P015	10 (4.54)
alpha-BHC	319–84–6	2		10 (4.54)
beta-BHC	319–85–7	2		1 (0.454)
delta-BHC	319–86–8	2		1 (0.454)
gamma-BHC	58–89–9	1,2,3,4	U129	1 (0.454)
2,2′-Bioxirane	1464–53–5	4	U085	10 (4.54)
Biphenyl	92–52–4	3		100 (45.4)
[1,1′-Biphenyl]-4,4′-diamine	92–87–5	2,3,4	U021	1 (0.454)
[1,1′-Biphenyl]-4,4′-diamine,3,3′-dichloro-	91–94–1	2,3,4	U073	1 (0.454)
[1,1′-Biphenyl]-4,4′-diamine,3,3′-dimethoxy-	119–90–4	3,4	U091	100 (45.4)
[1,1′-Biphenyl]-4,4′-diamine,3,3′-dimethyl-	119–93–7	3,4	U095	10 (4.54)
Bis(2-chloroethoxy) methane	111–91–1	2,4	U024	1000 (454)
Bis(2-chloroethyl) ether	111–44–4	2,3,4	U025	10 (4.54)
Bis(chloromethyl) ether	542–88–1	3,4	P016	10 (4.54)
Bis(2-ethylhexyl) phthalate	117–81–7	3,4	U028	100 (45.4)
Bromoacetone	598–31–2	4	P017	1000 (454)
1-Bromopropane (1–BP)	106–94–5	3		1 (0.454)
Bromoform	75–25–2	2,3,4	U225	100 (45.4)
Bromomethane	74–83–9	2,3,4	U029	1000 (454)
4-Bromophenyl phenyl ether	101–55–3	2,4	U030	100 (45.4)
Brucine	357–57–3	4	P018	100 (45.4)
1,3-Butadiene	106–99–0	3		10 (4.54)
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87–68–3	2,3,4	U128	1 (0.454)
1-Butanamine, N-butyl-N-nitroso-	924–16–3	4	U172	10 (4.54)
1-Butanol	71–36–3	4	U031	5000 (2270)
2-Butanone	78–93–3	4	U159	5000 (2270)
2-Butanone, 3,3-dimethyl-1(methylthio)-, O-[(methylamino)carbonyl] oxime	39196–18–4	4	P045	100 (45.4)
2-Butanone peroxide	1338–23–4	4	U160	10 (4.54)
2-Butenal	123–73–9	1,4	U053	100 (45.4)
	4170–30–3			
2-Butene, 1,4-dichloro-	764–41–0	4	U074	1 (0.454)
2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3- methyl-1-oxobutoxy] methyl]-2,3, 5,7a-tetrahydro- 1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z), 7(2S*,3R*),7aalpha]]-.	303–34–4	4	U143	10 (4.54)
Butyl acetate	123–86–4	1		5000 (2270)
iso-Butyl acetate	110–19–0	1		5000 (2270)
sec-Butyl acetate	105–46–4	1		5000 (2270)
tert-Butyl acetate	540–88–5	1		5000 (2270)
n-Butyl alcohol	71–36–3	4	U031	5000 (2270)
Butylamine	109–73–9	1		1000 (454)
iso-Butylamine	78–81–9	1		1000 (454)
sec-Butylamine	513–49–5	1		1000 (454)
	13952–84–6			
tert-Butylamine	75–64–9	1		1000 (454)
Butyl benzyl phthalate	85–68–7	2		100 (45.4)
n-Butyl phthalate	84–74–2	1,2,3,4	U069	10 (4.54)
Butyric acid	107–92–6	1		5000 (2270)
iso-Butyric acid	79–31–2	1		5000 (2270)
Cacodylic acid	75–60–5	4	U136	1 (0.454)
CADMIUM AND COMPOUNDS	N.A.	2,3		**
Cadmium [III]	7440–43–9	2		10 (4.54)
Cadmium acetate	543–90–8	1		10 (4.54)
Cadmium bromide	7789–42–6	1		10 (4.54)
Cadmium chloride	10108–64–2	1		10 (4.54)
Cadmium compounds	N.A.	2,3		**
Calcium arsenate	7778–44–1	1		1 (0.454)
Calcium arsenite	52740–16–6	1		1 (0.454)
Calcium carbide	75–20–7	1		10 (4.54)
Calcium chromate	13765–19–0	1,4	U032	10 (4.54)
Calcium cyanamide	156–62–7	3		1000 (454)
Calcium cyanide $Ca(CN)_2$	592–01–8	1,4	P021	10 (4.54)
Calcium dodecylbenzenesulfonate	26264–06–2	1		1000 (454)
Calcium hypochlorite	7778–54–3	1		10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Captan	133–06–2	1,3		10 (4.54)
Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605–21–7	4	U372	10 (4.54)
Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-,methyl ester	17804–35–2	4	U271	10 (4.54)
Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101–27–9	4	U280	10 (4.54)
Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285–14–8	4	P189	1000 (454)
Carbamic acid, dimethyl-,1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	644–64–4	4	P191	1 (0.454)
Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119–38–0	4	P192	100 (45.4)
Carbamic acid, ethyl ester	51–79–6	3,4	U238	100 (45.4)
Carbamic acid, methyl-, 3-methylphenyl ester	1129–41–5	4	P190	1000 (454)
Carbamic acid, methylnitroso-, ethyl ester	615–53–2	4	U178	1 (0.454)
Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester	23564–05–8	4	U409	10 (4.54)
Carbamic acid, phenyl-, 1-methylethyl ester	122–42–9	4	U373	1000 (454)
Carbamic chloride, dimethyl-	79–44–7	3,4	U097	1 (0.454)
Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters	111–54–6	4	U114	5000 (2270)
Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2- propenyl) ester	2303–16–4	4	U062	100 (45.4)
Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303–17–5	4	U389	100 (45.4)
Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888–80–9	4	U387	5000 (2270)
Carbaryl	63–25–2	1,3,4	U279	100 (45.4)
Carbendazim	10605–21–7	4	U372	10 (4.54)
Carbofuran	1563–66–2	1,4	P127	10 (4.54)
Carbofuran phenol	1563–38–8	4	U367	10 (4.54)
Carbon disulfide	75–15–0	1,3,4	P022	100 (45.4)
Carbonic acid, dithallium(1 +) salt	6533–73–9	4	U215	100 (45.4)
Carbonic dichloride	75–44–5	1,3,4	P095	10 (4.54)
Carbonic difluoride	353–50–4	4	U033	1000 (454)
Carbonochloridic acid, methyl ester	79–22–1	4	U156	1000 (454)
Carbon oxyfluoride	353–50–4	4	U033	1000 (454)
Carbon tetrachloride	56–23–5	1,2,3,4	U211	10 (4.54)
Carbonyl sulfide	463–58–1	3		100 (45.4)
Carbosulfan	55285–14–8	4	P189	1000 (454)
Catechol	120–80–9	3		100 (45.4)
Chloral	75–87–6	4	U034	5000 (2270)
Chloramben	133–90–4	3		100 (45.4)
Chlorambucil	305–03–3	4	U035	10 (4.54)
CHLORDANE (TECHNICAL MIXTURE AND METABOLITES)	57–74–9	1,2,3,4	U036	1 (0.454)
Chlordane	57–74–9	1,2,3,4	U036	1 (0.454)
Chlordane, alpha & gamma isomers	57–74–9 5103–71–9 5103–74–2	1,2,3,4	U036	1 (0.454)
CHLORINATED BENZENES	N.A.	2		**
Chlorinated camphene	8001–35–2	1,2,3,4	P123	1 (0.454)
CHLORINATED ETHANES	N.A.	2		**
CHLORINATED NAPHTHALENE	N.A.	2		**
CHLORINATED PHENOLS	N.A.	2		**
Chlorine	7782–50–5	1,3		10 (4.54)
Chlornaphazine	494–03–1	4	U026	100 (45.4)
Chloroacetaldehyde	107–20–0	4	P023	1000 (454)
Chloroacetic acid	79–11–8	3		100 (45.4)
2-Chloroacetophenone	532–27–4	3		100 (45.4)
CHLOROALKYL ETHERS	N.A.	2		**
p-Chloroaniline	106–47–8	4	P024	1000 (454)
Chlorobenzene	108–90–7	1,2,3,4	U037	100 (45.4)
Chlorobenzilate	510–15–6	3,4	U038	10 (4.54)
p-Chloro-m-cresol	59–50–7	2,4	U039	5000 (2270)
Chlorodibromomethane	124–48–1	2		100 (45.4)
1-Chloro-2,3-epoxypropane	106–89–8	1,3,4	U041	100 (45.4)
Chloroethane	75–00–3	2,3		100 (45.4)
2-Chloroethyl vinyl ether	110–75–8	2,4	U042	1000 (454)
Chloroform	67–66–3	1,2,3,4	U044	10 (4.54)
Chloromethane	74–87–3	2,3,4	U045	100 (45.4)
Chloromethyl methyl ether	107–30–2	3,4	U046	10 (4.54)
beta-Chloronaphthalene	91–58–7	2,4	U047	5000 (2270)
2-Chloronaphthalene	91–58–7	2,4	U047	5000 (2270)
2-Chlorophenol	95–57–8	2,4	U048	100 (45.4)
o-Chlorophenol	95–57–8	2,4	U048	100 (45.4)
4-Chlorophenyl phenyl ether	7005–72–3	2		5000 (2270)
1-(o-Chlorophenyl)thiourea	5344–82–1	4	P026	100 (45.4)
Chloroprene	126–99–8	3		100 (45.4)
3-Chloropropionitrile	542–76–7	4	P027	1000 (454)
Chlorosulfonic acid	7790–94–5	1		1000 (454)
4-Chloro-o-toluidine, hydrochloride	3165–93–3	4	U049	100 (45.4)
Chlorpyrifos	2921–88–2	1		1 (0.454)
Chromic acetate	1066–30–4	1		1000 (454)
Chromic acid	7738–94–5	1		10 (4.54)
Chromic acid H_2CrO_4, calcium salt	13765–19–0	1,4	U032	10 (4.54)
Chromic sulfate	10101–53–8	1		1000 (454)
CHROMIUM AND COMPOUNDS	N.A.	2,3		**
Chromium Compounds	N.A.	2,3		**
Chromium [III]	7440–47–3	2		5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Chromous chloride	10049–05–5	1		1000 (454)
Chrysene	218–01–9	2,4	U050	100 (45.4)
Cobalt Compounds	N.A.	3		**
Cobaltous bromide	7789–43–7	1		1000 (454)
Cobaltous formate	544–18–3	1		1000 (454)
Cobaltous sulfamate	14017–41–5	1		1000 (454)
Coke Oven Emissions	N.A.	3		1 (0.454)
COPPER AND COMPOUNDS	N.A.	2		**
Copper [III]	7440–50–8	2		5000 (2270)
Copper cyanide Cu(CN)	544–92–3	4	P029	10 (4.54)
Coumaphos	56–72–4	1		10 (4.54)
Creosote	N.A	4	U051	1 (0.454)
Cresol (cresylic acid)	1319–77–3	1,3,4	U052	100 (45.4)
m-Cresol	108–39–4	3		100 (45.4)
o-Cresol	95–48–7	3		100 (45.4)
p-Cresol	106–44–5	3		100 (45.4)
Cresols (isomers and mixture)	1319–77–3	1,3,4	U052	100 (45.4)
Cresylic acid (isomers and mixture)	1319–77–3	1,3,4	U052	100 (45.4)
Crotonaldehyde	123–73–9	1,4	U053	100 (45.4)
	4170–30–3			
Cumene	98–82–8	3,4	U055	5000 (2270)
m-Cumenyl methylcarbamate	64–00–6	4	P202	10 (4.54)
Cupric acetate	142–71–2	1		100 (45.4)
Cupric acetoarsenite	12002–03–8	1		1 (0.454)
Cupric chloride	7447–39–4	1		10 (4.54)
Cupric nitrate	3251–23–8	1		100 (45.4)
Cupric oxalate	55671–32–4	1		100 (45.4)
Cupric sulfate	7758–98–7	1		10 (4.54)
Cupric sulfate, ammoniated	10380–29–7	1		100 (45.4)
Cupric tartrate	815–82–7	1		100 (45.4)
CYANIDES	N.A.	2,3		**
Cyanide Compounds	N.A.	2,3		**
Cyanides (soluble salts and complexes) not otherwise specified	N.A.	4	P030	10 (4.54)
Cyanogen	460–19–5	4	P031	100 (45.4)
Cyanogen bromide (CN)Br	506–68–3	4	U246	1000 (454)
Cyanogen chloride (CN)Cl	506–77–4	1,4	P033	10 (4.54)
2,5-Cyclohexadiene-1,4-dione	106–51–4	3,4	U197	10 (4.54)
Cyclohexane	110–82–7	1,4	U056	1000 (454)
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α, 2α, 3β-, 4α, 5α, 6β)	58–89–9	1,2,3,4	U129	1 (0.454)
Cyclohexanone	108–94–1	4	U057	5000 (2270)
2-Cyclohexyl-4,6-dinitrophenol	131–89–5	4	P034	100 (45.4)
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77–47–4	1,2,3,4	U130	10 (4.54)
Cyclophosphamide	50–18–0	4	U058	10 (4.54)
2,4–D Acid	94–75–7	1,3,4	U240	100 (45.4)
2,4–D Ester	94–11–1	1		100 (45.4)
	94–79–1			
	94–80–4			
	1320–18–9			
	1928–38–7			
	1928–61–6			
	1929–73–3			
	2971–38–2			
	25168–26–7			
	53467–11–1			
2,4–D, salts and esters	94–75–7	1,3,4	U240	100 (45.4)
Daunomycin	20830–81–3	4	U059	10 (4.54)
DDD	72–54–8	1,2,4	U060	1 (0.454)
4,4′-DDD	72–54–8	1,2,4	U060	1 (0.454)
DDE [b]	72–55–9	2,4		1 (0.454)
DDE [b]	3547–04–4	3		5000 (2270)
4,4′-DDE	72–55–9	2,4		1 (0.454)
DDT	50–29–3	1,2,4	U061	1 (0.454)
4,4′-DDT	50–29–3	1,2,4	U061	1 (0.454)
DDT AND METABOLITES	N.A.	2		**
DEHP	117–81–7	2,3,4	U028	100 (45.4)
Diallate	2303–16–4	4	U062	100 (45.4)
Diazinon	333–41–5	1		1 (0.454)
Diazomethane	334–88–3	3		100 (45.4)
Dibenz[a,h]anthracene	53–70–3	2,4	U063	1 (0.454)
1,2:5,6-Dibenzanthracene	53–70–3	2,4	U063	1 (0.454)
Dibenzo[a,h]anthracene	53–70–3	2,4	U063	1 (0.454)
Dibenzofuran	132–64–9	3		100 (45.4)
Dibenzo[a,i]pyrene	189–55–9	4	U064	10 (4.54)
1,2-Dibromo-3-chloropropane	96–12–8	3,4	U066	1 (0.454)
Dibromoethane	106–93–4	1,3,4	U067	1 (0.454)
Dibutyl phthalate	84–74–2	1,2,3,4	U069	10 (4.54)
Di-n-butyl phthalate	84–74–2	1,2,3,4	U069	10 (4.54)
Dicamba	1918–00–9	1		1000 (454)
Dichlobenil	1194–65–6	1		100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Dichlone	117–80–6	1		1 (0.454)
Dichlorobenzene	25321–22–6	1,2		100 (45.4)
1,2-Dichlorobenzene	95–50–1	1,2,4	U070	100 (45.4)
1,3-Dichlorobenzene	541–73–1	2,4	U071	100 (45.4)
1,4-Dichlorobenzene	106–46–7	1,2,3,4	U072	100 (45.4)
m-Dichlorobenzene	541–73–1	2,4	U071	100 (45.4)
o-Dichlorobenzene	95–50–1	1,2,4	U070	100 (45.4)
p-Dichlorobenzene	106–46–7	1,2,3,4	U072	100 (45.4)
DICHLOROBENZIDINE	1331–47–1	2		**
3,3′-Dichlorobenzidine	91–94–1	2,3,4	U073	1 (0.454)
Dichlorobromomethane	75–27–4	2		5000 (2270)
1,4-Dichloro-2-butene	764–41–0	4	U074	1 (0.454)
Dichlorodifluoromethane	75–71–8	4	U075	5000 (2270)
1,1-Dichloroethane	75–34–3	2,3,4	U076	1000 (454)
1,2-Dichloroethane	107–06–2	1,2,3,4	U077	100 (45.4)
1,1-Dichloroethylene	75–35–4	1,2,3,4	U078	100 (45.4)
1,2-Dichloroethylene	156–60–5	2,4	U079	1000 (454)
Dichloroethyl ether	111–44–4	2,3,4	U025	10 (4.54)
Dichloroisopropyl ether	108–60–1	2,4	U027	1000 (454)
Dichloromethane	75–09–2	2,3,4	U080	1000 (454)
Dichloromethoxy ethane	111–91–1	2,4	U024	1000 (454)
Dichloromethyl ether	542–88–1	3,4	P016	10 (4.54)
2,4-Dichlorophenol	120–83–2	2,4	U081	100 (45.4)
2,6-Dichlorophenol	87–65–0	4	U082	100 (45.4)
Dichlorophenylarsine	696–28–6	4	P036	1 (0.454)
Dichloropropane	26638–19–7	1,2		1000 (454)
1,1-Dichloropropane	78–99–9	1,2		1000 (454)
1,2-Dichloropropane	78–87–5	1,2,3,4	U083	1000 (454)
1,3-Dichloropropane	142–28–9	1,2		1000 (454)
Dichloropropane—Dichloropropene (mixture)	8003–19–8	1		100 (45.4)
Dichloropropene	26952–23–8	1,2		100 (45.4)
1,3-Dichloropropene	542–75–6	1,2,3,4	U084	100 (45.4)
2,3-Dichloropropene	78–88–6	1,2		100 (45.4)
2,2-Dichloropropionic acid	75–99–0	1		5000 (2270)
Dichlorvos	62–73–7	1,3		10 (4.54)
Dicofol	115–32–2	1		10 (4.54)
Dieldrin	60–57–1	1,2,4	P037	1 (0.454)
1,2:3,4-Diepoxybutane	1464–53–5	4	U085	10 (4.54)
Diethanolamine	111–42–2	3		100 (45.4)
Diethylamine	109–89–7	1		100 (45.4)
N,N-Diethylaniline	91–66–7	3		1000 (454)
Diethylarsine	692–42–2	4	P038	1 (0.454)
1,4-Diethyleneoxide	123–91–1	3,4	U108	100 (45.4)
Diethylene glycol, dicarbamate	5952–26–1	4	U395	5000 (2270)
Diethylhexyl phthalate	117–81–7	2,3,4	U028	100 (45.4)
N,N′-Diethylhydrazine	1615–80–1	4	U086	10 (4.54)
O,O-Diethyl S-methyl dithiophosphate	3288–58–2	4	U087	5000 (2270)
Diethyl-p-nitrophenyl phosphate	311–45–5	4	P041	100 (45.4)
Diethyl phthalate	84–66–2	2,4	U088	1000 (454)
O,O-Diethyl O-pyrazinyl phosphorothioate	297–97–2	4	P040	100 (45.4)
Diethylstilbestrol	56–53–1	4	U089	1 (0.454)
Diethyl sulfate	64–67–5	3		10 (4.54)
Dihydrosafrole	94–58–6	4	U090	10 (4.54)
Diisopropylfluorophosphate (DFP)	55–91–4	4	P043	100 (45.4)
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5alpha, 8alpha,8abeta)-.	309–00–2	1,2,4	P004	1 (0.454)
1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro- 1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta, 5beta,8beta,8abeta)-.	465–73–6	4	P060	1 (0.454)
2,7:3,6-Dimethanonaphth[2,3- b]oxirene,3,4,5,6,9,9- hexachloro-1a,2,2a,3,6,6a,7,7a- octahydro- ,(1aalpha,2beta, 2aalpha,3beta,6beta,6aalpha, 7beta,7aalpha)-.	60–57–1	1,2,4	P037	1 (0.454)
2,7:3,6-Dimethanonaphth[2, 3-b]oxirene,3,4,5,6,9,9- hexachloro-1a,2,2a,3,6,6a,7,7a- octahydro- ,(1aalpha,2beta, 2abeta,3alpha,6alpha, 6abeta,7beta,7aalpha)-, & metabolites.	72–20–8	1,2,4	P051	1 (0.454)
Dimethoate	60–51–5	4	P044	10 (4.54)
3,3′-Dimethoxybenzidine	119–90–4	3,4	U091	100 (45.4)
Dimethylamine	124–40–3	1,4	U092	1000 (454)
Dimethyl aminoazobenzene	60–11–7	3,4	U093	10 (4.54)
p-Dimethylaminoazobenzene	60–11–7	3,4	U093	10 (4.54)
N,N-Dimethylaniline	121–69–7	3		100 (45.4)
7,12-Dimethylbenz[a]anthracene	57–97–6	4	U094	1 (0.454)
3,3′-Dimethylbenzidine	119–93–7	3,4	U095	10 (4.54)
alpha,alpha-Dimethylbenzylhydroperoxide	80–15–9	4	U096	10 (4.54)
Dimethylcarbamoyl chloride	79–44–7	3,4	U097	1 (0.454)
Dimethylformamide	68–12–2	3		100 (45.4)
1,1-Dimethylhydrazine	57–14–7	3,4	U098	10 (4.54)
1,2-Dimethylhydrazine	540–73–8	4	U099	1 (0.454)
alpha,alpha-Dimethylphenethylamine	122–09–8	4	P046	5000 (2270)
2,4-Dimethylphenol	105–67–9	2,4	U101	100 (45.4)
Dimethyl phthalate	131–11–3	2,3,4	U102	5000 (2270)
Dimethyl sulfate	77–78–1	3,4	U103	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Dimetilan	644–64–4	4	P191	1 (0.454)
Dinitrobenzene (mixed)	25154–54–5	1		100 (45.4)
m-Dinitrobenzene	99–65–0	1		100 (45.4)
o-Dinitrobenzene	528–29–0	1		100 (45.4)
p-Dinitrobenzene	100–25–4	1		100 (45.4)
4,6-Dinitro-o-cresol	534–52–1	2,3,4	P047	10 (4.54)
4,6-Dinitro-o-cresol, and salts	534–52–1	3,4	P047	10 (4.54)
Dinitrophenol	25550–58–7	1		10 (4.54)
2,4-Dinitrophenol	51–28–5	1,2,3,4	P048	10 (4.54)
2,5-Dinitrophenol	329–71–5	1		10 (4.54)
2,6-Dinitrophenol	573–56–8	1		10 (4.54)
Dinitrotoluene	25321–14–6	1,2		10 (4.54)
2,4-Dinitrotoluene	121–14–2	1,2,3,4	U105	10 (4.54)
2,6-Dinitrotoluene	606–20–2	1,2,4	U106	100 (45.4)
3,4-Dinitrotoluene	610–39–9	1,2		10 (4.54)
Dinoseb	88–85–7	4	P020	1000 (454)
Di-n-octyl phthalate	117–84–0	2,4	U107	5000 (2270)
1,4-Dioxane	123–91–1	3,4	U108	100 (45.4)
DIPHENYLHYDRAZINE	38622–18–3	2		**
1,2-Diphenylhydrazine	122–66–7	2,3,4	U109	10 (4.54)
Diphosphoramide, octamethyl-	152–16–9	4	P085	100 (45.4)
Diphosphoric acid, tetraethyl ester	107–49–3	1,4	P111	10 (4.54)
Dipropylamine	142–84–7	4	U110	5000 (2270)
Di-n-propylnitrosamine	621–64–7	2,4	U111	10 (4.54)
Diquat	85–00–7 2764–72–9	1		1000 (454)
Disulfoton	298–04–4	1,4	P039	1 (0.454)
Dithiobiuret	541–53–7	4	P049	100 (45.4)
1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime	26419–73–8	4	P185	100 (45.4)
Diuron	330–54–1	1		100 (45.4)
Dodecylbenzenesulfonic acid	27176–87–0	1		1000 (454)
ENDOSULFAN AND METABOLITES	N.A.	2		**
Endosulfan	115–29–7	1,2,4	P050	1 (0.454)
alpha-Endosulfan	959–98–8	2		1 (0.454)
beta-Endosulfan	33213–65–9	2		1 (0.454)
Endosulfan sulfate	1031–07–8	2		1 (0.454)
Endothall	145–73–3	4	P088	1000 (454)
ENDRIN AND METABOLITES	N.A.	2,4	P051	**
Endrin, & metabolites	72–20–8	1,2,4	P051	1 (0.454)
Endrin	72–20–8	1,2,4	P051	1 (0.454)
Endrin aldehyde	7421–93–4	2		1 (0.454)
Epichlorohydrin	106–89–8	1,3,4	U041	100 (45.4)
Epinephrine	51–43–4	4	P042	1000 (454)
1,2-Epoxybutane	106–88–7	3		100 (45.4)
Ethanal	75–07–0	1,3,4	U001	1000 (454)
Ethanamine, N,N-diethyl-	121–44–8	1,3,4	U404	5000 (2270)
Ethanamine, N-ethyl-N-nitroso-	55–18–5	4	U174	1 (0.454)
1,2-Ethanediamine, N,N-dimethyl-N′-2- pyridinyl-N′-(2- thienylmethyl)-	91–80–5	4	U155	5000 (2270)
Ethane, 1,2-dibromo-	106–93–4	1,3,4	U067	1 (0.454)
Ethane, 1,1-dichloro-	75–34–3	2,3,4	U076	1000 (454)
Ethane, 1,2-dichloro-	107–06–2	1,2,3,4	U077	100 (45.4)
Ethanedinitrile	460–19–5	4	P031	100 (45.4)
Ethane, hexachloro-	67–72–1	2,3,4	U131	100 (45.4)
Ethane, 1,1′-[methylenebis(oxy)]bis[2- chloro-	111–91–1	2,4	U024	1000 (454)
Ethane, 1,1′-oxybis-	60–29–7	4	U117	100 (45.4)
Ethane, 1,1′-oxybis[2-chloro-	111–44–4	2,3,4	U025	10 (4.54)
Ethane, pentachloro-	76–01–7	4	U184	10 (4.54)
Ethane, 1,1,1,2-tetrachloro-	630–20–6	4	U208	100 (45.4)
Ethane, 1,1,2,2-tetrachloro-	79–34–5	2,3,4	U209	100 (45.4)
Ethanethioamide	62–55–5	4	U218	10 (4.54)
Ethane, 1,1,1-trichloro-	71–55–6	2,3,4	U226	1000 (454)
Ethane, 1,1,2-trichloro-	79–00–5	2,3,4	U227	100 (45.4)
Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558–43–1	4	U394	5000 (2270)
Ethanimidothioic acid, 2-(dimethylamino)-N-[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester	23135–22–0	4	P194	100 (45.4)
Ethanimidothioic acid, N-[[(methylamino) carbonyl]oxy]-, methyl ester	16752–77–5	4	P066	100 (45.4)
Ethanimidothioic acid, N,N′- [thiobis[(methylimino) carbonyloxy]]bis-, dimethyl ester	59669–26–0	4	U410	100 (45.4)
Ethanol, 2-ethoxy-	110–80–5	4	U359	1000 (454)
Ethanol, 2,2′-(nitrosoimino)bis-	1116–54–7	4	U173	1 (0.454)
Ethanol, 2,2′-oxybis-, dicarbamate	5952–26–1	4	U395	5000 (2270)
Ethanone, 1-phenyl-	98–86–2	3,4	U004	5000 (2270)
Ethene, chloro-	75–01–4	2,3,4	U043	1 (0.454)
Ethene, (2-chloroethoxy)-	110–75–8	2,4	U042	1000 (454)
Ethene, 1,1-dichloro-	75–35–4	1,2,3,4	U078	100 (45.4)
Ethene, 1,2-dichloro-(E)	156–60–5	2,4	U079	1000 (454)
Ethene, tetrachloro-	127–18–4	2,3,4	U210	100 (45.4)
Ethene, trichloro-	79–01–6	1,2,3,4	U228	100 (45.4)
Ethion	563–12–2	1		10 (4.54)
Ethyl acetate	141–78–6	4	U112	5000 (2270)
Ethyl acrylate	140–88–5	3,4	U113	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Ethylbenzene	100–41–4	1,2,3		1000 (454)
Ethyl carbamate	51–79–6	3,4	U238	100 (45.4)
Ethyl chloride	75–00–3	2,3		100 (45.4)
Ethyl cyanide	107–12–0	4	P101	10 (4.54)
Ethylenebisdithiocarbamic acid, salts & esters	111–54–6	4	U114	5000 (2270)
Ethylenediamine	107–15–3	1		5000 (2270)
Ethylenediamine-tetraacetic acid (EDTA)	60–00–4	1		5000 (2270)
Ethylene dibromide	106–93–4	1,3,4	U067	1 (0.454)
Ethylene dichloride	107–06–2	1,2,3,4	U077	100 (45.4)
Ethylene glycol	107–21–1	3		5000 (2270)
Ethylene glycol monoethyl ether	110–80–5	4	U359	1000 (454)
Ethylene oxide	75–21–8	3,4	U115	10 (4.54)
Ethylenethiourea	96–45–7	3,4	U116	10 (4.54)
Ethylenimine	151–56–4	3,4	P054	1 (0.454)
Ethyl ether	60–29–7	4	U117	100 (45.4)
Ethylidene dichloride	75–34–3	2,3,4	U076	1000 (454)
Ethyl methacrylate	97–63–2	4	U118	1000 (454)
Ethyl methanesulfonate	62–50–0	4	U119	1 (0.454)
Famphur	52–85–7	4	P097	1000 (454)
Ferric ammonium citrate	1185–57–5	1		1000 (454)
Ferric ammonium oxalate	2944–67–4	1		1000 (454)
	55488–87–4			
Ferric chloride	7705–08–0	1		1000 (454)
Ferric fluoride	7783–50–8	1		100 (45.4)
Ferric nitrate	10421–48–4	1		1000 (454)
Ferric sulfate	10028–22–5	1		1000 (454)
Ferrous ammonium sulfate	10045–89–3	1		1000 (454)
Ferrous chloride	7758–94–3	1		100 (45.4)
Ferrous sulfate	7720–78–7	1		1000 (454)
	7782–63–0			
Fine mineral fibers [c]	N.A.	3		**
Fluoranthene	206–44–0	2,4	U120	100 (45.4)
Fluorene	86–73–7	2		5000 (2270)
Fluorine	7782–41–4	4	P056	10 (4.54)
Fluoroacetamide	640–19–7	4	P057	100 (45.4)
Fluoroacetic acid, sodium salt	62–74–8	4	P058	10 (4.54)
Formaldehyde	50–00–0	1,3,4	U122	100 (45.4)
Formetanate hydrochloride	23422–53–9	4	P198	100 (45.4)
Formic acid	64–18–6	1,4	U123	5000 (2270)
Formparanate	17702–57–7	4	P197	100 (45.4)
Fulminic acid, mercury(2 +)salt	628–86–4	4	P065	10 (4.54)
Fumaric acid	110–17–8	1		5000 (2270)
Furan	110–00–9	4	U124	100 (45.4)
2-Furancarboxaldehyde	98–01–1	1,4	U125	5000 (2270)
2,5-Furandione	108–31–6	1,3,4	U147	5000 (2270)
Furan, tetrahydro-	109–99–9	4	U213	1000 (454)
Furfural	98–01–1	1,4	U125	5000 (2270)
Furfuran	110–00–9	4	U124	100 (45.4)
Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-,D-	18883–66–4	4	U206	1 (0.454)
D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]-	18883–66–4	4	U206	1 (0.454)
Glycidylaldehyde	765–34–4	4	U126	10 (4.54)
Glycol ethers [d]	N.A.	3		**
Guanidine, N-methyl-N′-nitro-N-nitroso-	70–25–7	4	U163	10 (4.54)
Guthion	86–50–0	1		1 (0.454)
HALOETHERS	N.A.	2		**
HALOMETHANES	N.A.	2		**
HEPTACHLOR AND METABOLITES	N.A.	2		**
Heptachlor	76–44–8	1,2,3,4	P059	1 (0.454)
Heptachlor epoxide	1024–57–3	2		1 (0.454)
Hexachlorobenzene	118–74–1	2,3,4	U127	10 (4.54)
Hexachlorobutadiene	87–68–3	2,3,4	U128	1 (0.454)
HEXACHLOROCYCLOHEXANE (all isomers)	608–73–1	2		**
Hexachlorocyclopentadiene	77–47–4	1,2,3,4	U130	10 (4.54)
Hexachloroethane	67–72–1	2,3,4	U131	100 (45.4)
Hexachlorophene	70–30–4	4	U132	100 (45.4)
Hexachloropropene	1888–71–7	4	U243	1000 (454)
Hexaethyl tetraphosphate	757–58–4	4	P062	100 (45.4)
Hexamethylene-1,6-diisocyanate	822–06–0	3		100 (45.4)
Hexamethylphosphoramide	680–31–9	3		1 (0.454)
Hexane	110–54–3	3		5000 (2270)
Hexone	108–10–1	3,4	U161	5000 (2270)
Hydrazine	302–01–2	3,4	U133	1 (0.454)
Hydrazinecarbothioamide	79–19–6	4	P116	100 (45.4)
Hydrazine, 1,2-diethyl-	1615–80–1	4	U086	10 (4.54)
Hydrazine, 1,1-dimethyl-	57–14–7	3,4	U098	10 (4.54)
Hydrazine, 1,2-dimethyl-	540–73–8	4	U099	1 (0.454)
Hydrazine, 1,2-diphenyl-	122–66–7	2,3,4	U109	10 (4.54)
Hydrazine, methyl-	60–34–4	3,4	P068	10 (4.54)
Hydrochloric acid	7647–01–0	1,3		5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Hydrocyanic acid	74–90–8	1,4	P063	10 (4.54)
Hydrofluoric acid	7664–39–3	1,3,4	U134	100 (45.4)
Hydrogen chloride	7647–01–0	1,3		5000 (2270)
Hydrogen cyanide	74–90–8	1,4	P063	10 (4.54)
Hydrogen fluoride	7664–39–3	1,3,4	U134	100 (45.4)
Hydrogen phosphide	7803–51–2	3,4	P096	100 (45.4)
Hydrogen sulfide H2S	7783–06–4	1,4	U135	100 (45.4)
Hydroperoxide, 1-methyl-1-phenylethyl-	80–15–9	4	U096	10 (4.54)
Hydroquinone	123–31–9	3		100 (45.4)
2-Imidazolidinethione	96–45–7	3,4	U116	10 (4.54)
Indeno(1,2,3-cd)pyrene	193–39–5	2,4	U137	100 (45.4)
Iodomethane	74–88–4	3,4	U138	100 (45.4)
1,3-Isobenzofurandione	85–44–9	3,4	U190	5000 (2270)
Isobutyl alcohol	78–83–1	4	U140	5000 (2270)
Isodrin	465–73–6	4	P060	1 (0.454)
Isolan	119–38–0	4	P192	100 (45.4)
Isophorone	78–59–1	2,3		5000 (2270)
Isoprene	78–79–5	1		100 (45.4)
Isopropanolamine dodecylbenzenesulfonate	42504–46–1	1		1000 (454)
3-Isopropylphenyl N-methylcarbamate	64–00–6	4	P202	10 (4.54)
Isosafrole	120–58–1	4	U141	100 (45.4)
3(2H)-Isoxazolone, 5-(aminomethyl)-	2763–96–4	4	P007	1000 (454)
Kepone	143–50–0	1,4	U142	1 (0.454)
Lasiocarpine	303–34–4	4	U143	10 (4.54)
LEAD AND COMPOUNDS	N.A.	2,3		**
Lead [III]	7439–92–1	2		10 (4.54)
Lead acetate	301–04–2	1,4	U144	10 (4.54)
Lead arsenate	7784–40–9	1		1 (0.454)
	7645–25–2			
	10102–48–4			
Lead, bis(acetato-O)tetrahydroxytri-	1335–32–6	4	U146	10 (4.54)
Lead chloride	7758–95–4	1		10 (4.54)
Lead compounds	N.A.	2,3		**
Lead fluoborate	13814–96–5	1		10 (4.54)
Lead fluoride	7783–46–2	1		10 (4.54)
Lead iodide	10101–63–0	1		10 (4.54)
Lead nitrate	10099–74–8	1		10 (4.54)
Lead phosphate	7446–27–7	4	U145	10 (4.54)
Lead stearate	1072–35–1	1		10 (4.54)
	7428–48–0			
	56189–09–4			
Lead subacetate	1335–32–6	4	U146	10 (4.54)
Lead sulfate	7446–14–2	1		10 (4.54)
	15739–80–7			
Lead sulfide	1314–87–0	1		10 (4.54)
Lead thiocyanate	592–87–0	1		10 (4.54)
Lindane	58–89–9	1,2,3,4	U129	1 (0.454)
Lindane (all isomers)	58–89–9	1,2,3,4	U129	1 (0.454)
Lithium chromate	14307–35–8	1		10 (4.54)
Malathion	121–75–5	1		100 (45.4)
Maleic acid	110–16–7	1		5000 (2270)
Maleic anhydride	108–31–6	1,3,4	U147	5000 (2270)
Maleic hydrazide	123–33–1	4	U148	5000 (2270)
Malononitrile	109–77–3	4	U149	1000 (454)
Manganese, bis (dimethylcarbamodithioato-S,S′)-	15339–36–3	4	P196	10 (4.54)
Manganese Compounds	N.A.	3		**
Manganese dimethyldithiocarbamate	15339–36–3	4	P196	10 (4.54)
MDI	101–68–8	3		5000 (2270)
MEK	78–93–3	4	U159	5000 (2270)
Melphalan	148–82–3	4	U150	1 (0.454)
Mercaptodimethur	2032–65–7	1,4	P199	10 (4.54)
MERCURY AND COMPOUNDS	N.A.	2,3		**
Mercury Compounds	N.A.	2,3		**
Mercuric cyanide	592–04–1	1		1(0.454)
Mercuric nitrate	10045–94–0	1		10 (4.54)
Mercuric sulfate	7783–35–9	1		10 (4.54)
Mercuric thiocyanate	592–85–8	1		10 (4.54)
Mercurous nitrate	10415–75–5	1		10 (4.54)
Mercury	7782–86–7	2,3,4	U151	1 (0.454)
	7439–97–6			
Mercury, (acetato-O)phenyl-	62–38–4	4	P092	100 (45.4)
Mercury fulminate	628–86–4	4	P065	10 (4.54)
Methacrylonitrile	126–98–7	4	U152	1000 (454)
Methanamine, N-methyl-	124–40–3	1,4	U092	1000 (454)
Methanamine, N-methyl-N-nitroso-	62–75–9	2,3,4	P082	10 (4.54)
Methane, bromo-	74–83–9	2,3,4	U029	1000 (454)
Methane, chloro-	74–87–3	2,3,4	U045	100 (45.4)
Methane, chloromethoxy-	107–30–2	3,4	U046	10 (4.54)
Methane, dibromo-	74–95–3	4	U068	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Methane, dichloro-	75–09–2	2,3,4	U080	1000 (454)
Methane, dichlorodifluoro-	75–71–8	4	U075	5000 (2270)
Methane, iodo-	74–88–4	3,4	U138	100 (45.4)
Methane, isocyanato-	624–83–9	3,4	P064	10 (4.54)
Methane, oxybis(chloro-	542–88–1	3,4	P016	10 (4.54)
Methanesulfenyl chloride, trichloro-	594–42–3	4	P118	100 (45.4)
Methanesulfonic acid, ethyl ester	62–50–0	4	U119	1 (0.454)
Methane, tetrachloro-	56–23–5	1,2,3,4	U211	10 (4.54)
Methane, tetranitro-	509–14–8	4	P112	10 (4.54)
Methanethiol	74–93–1	1,4	U153	100 (45.4)
Methane, tribromo-	75–25–2	2,3,4	U225	100 (45.4)
Methane, trichloro-	67–66–3	1,2,3,4	U044	10 (4.54)
Methane, trichlorofluoro-	75–69–4	4	U121	5000 (2270)
Methanimidamide, N,N-dimethyl-N′-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride	23422–53–9	4	P198	100 (45.4)
Methanimidamide, N,N-dimethyl-N′-[2-methyl-4- [[(methylamino) carbonyl]oxy]phenyl]-	17702–57–7	4	P197	100 (45.4)
6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	115–29–7	1,2,4	P050	1 (0.454)
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76–44–8	1,2,3,4	P059	1 (0.454)
4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57–74–9	1,2,3,4	U036	1 (0.454)
Methanol	67–56–1	3,4	U154	5000 (2270)
Methapyrilene	91–80–5	4	U155	5000 (2270)
1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	143–50–0	1,4	U142	1 (0.454)
Methiocarb	2032–65–7	1,4	P199	10 (4.54)
Methomyl	16752–77–5	4	P066	100 (45.4)
Methoxychlor	72–43–5	1,3,4	U247	1 (0.454)
Methyl alcohol	67–56–1	3,4	U154	5000 (2270)
2-Methyl aziridine	75–55–8	3,4	P067	1 (0.454)
Methyl bromide	74–83–9	2,3,4	U029	1000 (454)
1-Methylbutadiene	504–60–9	4	U186	100 (45.4)
Methyl chloride	74–87–3	2,3,4	U045	100 (45.4)
Methyl chlorocarbonate	79–22–1	4	U156	1000 (454)
Methyl chloroform	71–55–6	2,3,4	U226	1000 (454)
3-Methylcholanthrene	56–49–5	4	U157	10 (4.54)
4,4′-Methylenebis(2-chloroaniline)	101–14–4	3,4	U158	10 (4.54)
Methylene bromide	74–95–3	4	U068	1000 (454)
Methylene chloride	75–09–2	2,3,4	U080	1000 (454)
4,4′-Methylenedianiline	101–77–9	3		10 (4.54)
Methylene diphenyl diisocyanate	101–68–8	3		5000 (2270)
Methyl ethyl ketone	78–93–3	4	U159	5000 (2270)
Methyl ethyl ketone peroxide	1338–23–4	4	U160	10 (4.54)
Methyl hydrazine	60–34–4	3,4	P068	10 (4.54)
Methyl iodide	74–88–4	3,4	U138	100 (45.4)
Methyl isobutyl ketone	108–10–1	3,4	U161	5000 (2270)
Methyl isocyanate	624–83–9	3,4	P064	10 (4.54)
2-Methyllactonitrile	75–86–5	1,4	P069	10 (4.54)
Methyl mercaptan	74–93–1	1,4	U153	100 (45.4)
Methyl methacrylate	80–62–6	1,3,4	U162	1000 (454)
Methyl parathion	298–00–0	1,4	P071	100 (45.4)
4-Methyl-2-pentanone	108–10–1	3,4	U161	5000 (2270)
Methyl tert-butyl ether	1634–04–4	3		1000 (454)
Methylthiouracil	56–04–2	4	U164	10 (4.54)
Metolcarb	1129–41–5	4	P190	1000 (454)
Mevinphos	7786–34–7	1		10 (4.54)
Mexacarbate	315–18–4	1,4	P128	1000 (454)
Mitomycin C	50–07–7	4	U010	10 (4.54)
MNNG	70–25–7	4	U163	10 (4.54)
Monoethylamine	75–04–7	1		100 (45.4)
Monomethylamine	74–89–5	1		100 (45.4)
Naled	300–76–5	1		10 (4.54)
5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-.	20830–81–3	4	U059	10 (4.54)
1-Naphthalenamine	134–32–7	4	U167	100 (45.4)
2-Naphthalenamine	91–59–8	4	U168	10 (4.54)
Naphthalenamine, N,N′-bis(2-chloroethyl)-	494–03–1	4	U026	100 (45.4)
Naphthalene	91–20–3	1,2,3,4	U165	100 (45.4)
Naphthalene, 2-chloro-	91–58–7	2,4	U047	5000 (2270)
1,4-Naphthalenedione	130–15–4	4	U166	5000 (2270)
2,7-Naphthalenedisulfonic acid, 3,3′-[(3,3′-dimethyl-(1,1′-biphenyl)-4,4′-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt.	72–57–1	4	U236	10 (4.54)
1-Naphthalenol, methylcarbamate	63–25–2	1,3,4	U279	100 (45.4)
Naphthenic acid	1338–24–5	1		100 (45.4)
1,4-Naphthoquinone	130–15–4	4	U166	5000 (2270)
alpha-Naphthylamine	134–32–7	4	U167	100 (45.4)
beta-Naphthylamine	91–59–8	4	U168	10 (4.54)
alpha-Naphthylthiourea	86–88–4	4	P072	100 (45.4)
NICKEL AND COMPOUNDS	N.A.	2,3		**
Nickel [III]	7440–02–0	2		100 (45.4)
Nickel ammonium sulfate	15699–18–0	1		100 (45.4)
Nickel carbonyl Ni(CO)4, (T–4)-	13463–39–3	4	P073	10 (4.54)
Nickel chloride	7718–54–9	1		100 (45.4)
	37211–05–5			

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Nickel compounds	N.A.	2,3		**
Nickel cyanide Ni(CN)2	557–19–7	4	P074	10 (4.54)
Nickel hydroxide	12054–48–7	1		10 (4.54)
Nickel nitrate	14216–75–2	1		100 (45.4)
Nickel sulfate	7786–81–4	1		100 (45.4)
Nicotine, & salts	54–11–5	4	P075	100 (45.4)
Nitric acid	7697–37–2	1		1000 (454)
Nitric acid, thallium (1 +) salt	10102–45–1	4	U217	100 (45.4)
Nitric oxide	10102–43–9	4	P076	10 (4.54)
p-Nitroaniline	100–01–6	4	P077	5000 (2270)
Nitrobenzene	98–95–3	1,2,3,4	U169	1000 (454)
4-Nitrobiphenyl	92–93–3	3		10 (4.54)
Nitrogen dioxide	10102–44–0 10544–72–6	1,4	P078	10 (4.54)
Nitrogen oxide NO	10102–43–9	4	P076	10 (4.54)
Nitrogen oxide NO_2	10102–44–0 10544–72–6	1,4	P078	10 (4.54)
Nitroglycerine	55–63–0	4	P081	10 (4.54)
NITROPHENOLS	25154–55–6	2		**
Nitrophenol (mixed)	25154–55–6	1		100 (45.4)
m-Nitrophenol	554–84–7	1		100 (45.4)
o-Nitrophenol	88–75–5	1,2		100 (45.4)
p-Nitrophenol	100–02–7	1,2,3,4	U170	100 (45.4)
2-Nitrophenol	88–75–5	1,2		100 (45.4)
4-Nitrophenol	100–02–7	1,2,3,4	U170	100 (45.4)
2-Nitropropane	79–46–9	3,4	U171	10 (4.54)
NITROSAMINES	N.A.	2		**
N-Nitrosodi-n-butylamine	924–16–3	4	U172	10 (4.54)
N-Nitrosodiethanolamine	1116–54–7	4	U173	1 (0.454)
N-Nitrosodiethylamine	55–18–5	4	U174	1 (0.454)
N-Nitrosodimethylamine	62–75–9	2,3,4	P082	10 (4.54)
N-Nitrosodiphenylamine	86–30–6	2		100 (45.4)
N-Nitroso-N-ethylurea	759–73–9	4	U176	1 (0.454)
N-Nitroso-N-methylurea	684–93–5	3,4	U177	1 (0.454)
N-Nitroso-N-methylurethane	615–53–2	4	U178	1 (0.454)
N-Nitrosomethylvinylamine	4549–40–0	4	P084	10 (4.54)
N-Nitrosomorpholine	59–89–2	3		1 (0.454)
N-Nitrosopiperidine	100–75–4	4	U179	10 (4.54)
N-Nitrosopyrrolidine	930–55–2	4	U180	1 (0.454)
Nitrotoluene	1321–12–6	1		1000 (454)
m-Nitrotoluene	99–08–1	1		1000 (454)
o-Nitrotoluene	88–72–2	1		1000 (454)
p-Nitrotoluene	99–99–0	1		1000 (454)
5-Nitro-o-toluidine	99–55–8	4	U181	100 (45.4)
Octamethylpyrophosphoramide	152–16–9	4	P085	100 (45.4)
Osmium oxide OsO4, (T–4)-	20816–12–0	4	P087	1000 (454)
Osmium tetroxide	20816–12–0	4	P087	1000 (454)
7-Oxabicyclo[221]heptane-2,3-dicarboxylic acid	145–73–3	4	P088	1000 (454)
Oxamyl	23135–22–0	4	P194	100 (45.4)
1,2-Oxathiolane, 2,2-dioxide	1120–71–4	3,4	U193	10 (4.54)
2H–1,3,2-Oxazaphosphorin-2-amine, N,N- bis(2-chloroethyl)tetrahydro-, 2-oxide	50–18–0	4	U058	10 (4.54)
Oxirane	75–21–8	3,4	U115	10 (4.54)
Oxiranecarboxyaldehyde	765–34–4	4	U126	10 (4.54)
Oxirane, (chloromethyl)-	106–89–8	1,3,4	U041	100 (45.4)
Paraformaldehyde	30525–89–4	1		1000 (454)
Paraldehyde	123–63–7	4	U182	1000 (454)
Parathion	56–38–2	1,3,4	P089	10 (4.54)
PCBs	1336–36–3	1,2,3		1 (0.454)
PCNB	82–68–8	3,4	U185	100 (45.4)
Pentachlorobenzene	608–93–5	4	U183	10 (4.54)
Pentachloroethane	76–01–7	4	U184	10 (4.54)
Pentachloronitrobenzene	82–68–8	3,4	U185	100 (45.4)
Pentachlorophenol	87–86–5	1,2,3,4	See F027	10 (4.54)
1,3-Pentadiene	504–60–9	4	U186	100 (45.4)
Perchloroethylene	127–18–4	2,3,4	U210	100 (45.4)
Phenacetin	62–44–2	4	U187	100 (45.4)
Phenanthrene	85–01–8	2		5000 (2270)
Phenol	108–95–2	1,2,3,4	U188	1000 (454)
Phenol, 2-chloro-	95–57–8	2,4	U048	100 (45.4)
Phenol, 4-chloro-3-methyl-	59–50–7	2,4	U039	5000 (2270)
Phenol, 2-cyclohexyl-4,6-dinitro-	131–89–5	4	P034	100 (45.4)
Phenol, 2,4-dichloro-	120–83–2	2,4	U081	100 (45.4)
Phenol, 2,6-dichloro-	87–65–0	4	U082	100 (45.4)
Phenol, 4,4′-(1,2-diethyl-1,2-ethenediyl)bis-, (E)	56–53–1	4	U089	1 (0.454)
Phenol, 2,4-dimethyl-	105–67–9	2,4	U101	100 (45.4)
Phenol, 4-(dimethylamino)-3,5-dimethyl-, 4 methylcarbamate (ester)	315–18–4	1,4	P128	1000 (454)
Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032–65–7	1,4	P199	10 (4.54)
Phenol, 2,4-dinitro-	51–28–5	1,2,3,4	P048	10 (4.54)
Phenol, methyl-	1319–77–3	1,3,4	U052	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Phenol, 2-methyl-4,6-dinitro-	534–52–1	2,3,4	P047	10 (4.54)
Phenol, 2-methyl-4,6-dinitro-, & salts	534–52–1	3,4	P047	10 (4.54)
Phenol, 2,2′-methylenebis[3,4,6- trichloro-	70–30–4	4	U132	100 (45.4)
Phenol, 2-(1-methylethoxy)-, methylcarbamate	114–26–1	3,4	U411	100 (45.4)
Phenol, 3-(1-methylethyl)-, methyl carbamate	64–00–6	4	P202	10 (4.54)
Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631–37–0	4	P201	1000 (454)
Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88–85–7	4	P020	1000 (454)
Phenol, 4-nitro-	100–02–7	1,2,3,4	U170	100 (45.4)
Phenol, pentachloro-	87–86–5	1,2,3,4	See F027	10 (4.54)
Phenol, 2,3,4,6-tetrachloro-	58–90–2	4	See F027	10 (4.54)
Phenol, 2,4,5-trichloro-	95–95–4	1,3,4	See F027	10 (4.54)
Phenol, 2,4,6-trichloro-	88–06–2	1,2,3,4	See F027	10 (4.54)
Phenol, 2,4,6-trinitro-, ammonium salt	131–74–8	4	P009	10 (4.54)
L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	148–82–3	4	U150	1 (0.454)
p-Phenylenediamine	106–50–3	3		5000 (2270)
Phenylmercury acetate	62–38–4	4	P092	100 (45.4)
Phenylthiourea	103–85–5	4	P093	100 (45.4)
Phorate	298–02–2	4	P094	10 (4.54)
Phosgene	75–44–5	1,3,4	P095	10 (4.54)
Phosphine	7803–51–2	3,4	P096	100 (45.4)
Phosphoric acid	7664–38–2	1		5000 (2270)
Phosphoric acid, diethyl 4-nitrophenyl ester	311–45–5	4	P041	100 (45.4)
Phosphoric acid, lead(2 +) salt (2:3)	7446–27–7	4	U145	10 (4.54)
Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298–04–4	1,4	P039	1 (0.454)
Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298–02–2	4	P094	10 (4.54)
Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288–58–2	4	U087	5000 (2270)
Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester	60–51–5	4	P044	10 (4.54)
Phosphorofluoridic acid, bis(1-methylethyl) ester	55–91–4	4	P043	100 (45.4)
Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56–38–2	1,3,4	P089	10 (4.54)
Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297–97–2	4	P040	100 (45.4)
Phosphorothioic acid, O-[4-[(dimethylamino) sulfonyl]phenyl] O,O-dimethyl ester	52–85–7	4	P097	1000 (454)
Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298–00–0	1,4	P071	100 (45.4)
Phosphorus	7723–14–0	1,3		1 (0.454)
Phosphorus oxychloride	10025–87–3	1		1000 (454)
Phosphorus pentasulfide	1314–80–3	1,4	U189	100 (45.4)
Phosphorus sulfide	1314–80–3	1,4	U189	100 (45.4)
Phosphorus trichloride	7719–12–2	1		1000 (454)
Physostigmine	57–47–6	4	P204	100 (45.4)
Physostigmine salicylate	57–64–7	4	P188	100 (45.4)
PHTHALATE ESTERS	N.A.	2		**
Phthalic anhydride	85–44–9	3,4	U190	5000 (2270)
2-Picoline	109–06–8	4	U191	5000 (2270)
Piperidine, 1-nitroso-	100–75–4	4	U179	10 (4.54)
Plumbane, tetraethyl-	78–00–2	1,4	P110	10 (4.54)
POLYCHLORINATED BIPHENYLS	1336–36–3	1,2,3		1 (0.454)
Polycyclic Organic Matter [e]	N.A.	3		**
POLYNUCLEAR AROMATIC HYDROCARBONS	N.A.	2		**
Potassium arsenate	7784–41–0	1		1 (0.454)
Potassium arsenite	10124–50–2	1		1 (0.454)
Potassium bichromate	7778–50–9	1		10 (4.54)
Potassium chromate	7789–00–6	1		10 (4.54)
Potassium cyanide K(CN)	151–50–8	1,4	P098	10 (4.54)
Potassium hydroxide	1310–58–3	1		1000 (454)
Potassium permanganate	7722–64–7	1		100 (45.4)
Potassium silver cyanide	506–61–6	4	P099	1 (0.454)
Promecarb	2631–37–0	4	P201	1000 (454)
Pronamide	23950–58–5	4	U192	5000 (2270)
Propanal, 2-methyl-2-(methyl- sulfonyl)-, O-[(methylamino)carbonyl] oxime	1646–88–4	4	P203	100 (45.4)
Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116–06–3	4	P070	1 (0.454)
1-Propanamine	107–10–8	4	U194	5000 (2270)
1-Propanamine, N-propyl-	142–84–7	4	U110	5000 (2270)
1-Propanamine, N-nitroso-N-propyl-	621–64–7	2,4	U111	10 (4.54)
Propane, 1,2-dibromo-3-chloro-	96–12–8	3,4	U066	1 (0.454)
Propane, 1,2-dichloro-	78–87–5	1,2,3,4	U083	1000 (454)
Propanedinitrile	109–77–3	4	U149	1000 (454)
Propanenitrile	107–12–0	4	P101	10 (4.54)
Propanenitrile, 3-chloro-	542–76–7	4	P027	1000 (454)
Propanenitrile, 2-hydroxy-2-methyl-	75–86–5	1,4	P069	10 (4.54)
Propane, 2-nitro-	79–46–9	3,4	U171	10 (4.54)
Propane, 2,2′-oxybis[2-chloro-	108–60–1	2,4	U027	1000 (454)
1,3-Propane sultone	1120–71–4	3,4	U193	10 (4.54)
1,2,3-Propanetriol, trinitrate	55–63–0	4	P081	10 (4.54)
Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93–72–1	1,4	See F027	100 (45.4)
1-Propanol, 2,3-dibromo-, phosphate (3:1)	126–72–7	4	U235	10 (4.54)
1-Propanol, 2-methyl-	78–83–1	4	U140	5000 (2270)
2-Propanone	67–64–1	4	U002	5000 (2270)
2-Propanone, 1-bromo-	598–31–2	4	P017	1000 (454)
Propargite	2312–35–8	1		10 (4.54)
Propargyl alcohol	107–19–7	4	P102	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
2-Propenal	107–02–8	1,2,3,4	P003	1 (0.454)
2-Propenamide	79–06–1	3,4	U007	5000 (2270)
1-Propene, 1,3-dichloro-	542–75–6	1,2,3,4	U084	100 (45.4)
1-Propene, 1,1,2,3,3,3-hexachloro-	1888–71–7	4	U243	1000 (454)
2-Propenenitrile	107–13–1	1,2,3,4	U009	100 (45.4)
2-Propenenitrile, 2-methyl-	126–98–7	4	U152	1000 (454)
2-Propenoic acid	79–10–7	3,4	U008	5000 (2270)
2-Propenoic acid, ethyl ester	140–88–5	3,4	U113	1000 (454)
2-Propenoic acid, 2-methyl-, ethyl ester	97–63–2	4	U118	1000 (454)
2-Propenoic acid, 2-methyl-, methyl ester	80–62–6	1,3,4	U162	1000 (454)
2-Propen-1-ol	107–18–6	1,4	P005	100 (45.4)
Propham	122–42–9	4	U373	1000 (454)
beta-Propiolactone	57–57–8	3		10 (4.54)
Propionaldehyde	123–38–6	3		1000 (454)
Propionic acid	79–09–4	1		5000 (2270)
Propionic anhydride	123–62–6	1		5000 (2270)
Propoxur (Baygon)	114–26–1	3,4	U411	100 (45.4)
n-Propylamine	107–10–8	4	U194	5000 (2270)
n-Propyl bromide (nPB)	106–94–5	3		1 (0.454)
Propylene dichloride	78–87–5	1,2,3,4	U083	1000 (454)
Propylene oxide	75–56–9	1,3		100 (45.4)
1,2-Propylenimine	75–55–8	3,4	P067	1 (0.454)
2-Propyn-1-ol	107–19–7	4	P102	1000 (454)
Prosulfocarb	52888–80–9	4	U387	5000 (2270)
Pyrene	129–00–0	2		5000 (2270)
Pyrethrins	121–29–9 121–21–1 8003–34–7	1		1 (0.454)
3,6-Pyridazinedione, 1,2-dihydro-	123–33–1	4	U148	5000 (2270)
4-Pyridinamine	504–24–5	4	P008	1000 (454)
Pyridine	110–86–1	4	U196	1000 (454)
Pyridine, 2-methyl-	109–06–8	4	U191	5000 (2270)
Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts	54–11–5	4	P075	100 (45.4)
2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2- chloroethyl)amino]-	66–75–1	4	U237	10 (4.54)
4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56–04–2	4	U164	10 (4.54)
Pyrrolidine, 1-nitroso-	930–55–2	4	U180	1 (0.454)
Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a- hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-.	57–47–6	4	P204	100 (45.4)
Quinoline	91–22–5	1,3		5000 (2270)
Quinone	106–51–4	3,4	U197	10 (4.54)
Quintobenzene	82–68–8	3,4	U185	100 (45.4)
Radionuclides (including radon)	N.A.	3		§
Reserpine	50–55–5	4	U200	5000 (2270)
Resorcinol	108–46–3	1,4	U201	5000 (2270)
Safrole	94–59–7	4	U203	100 (45.4)
SELENIUM AND COMPOUNDS	N.A.	2,3		**
Selenium Compounds	N.A.	2,3		**
Selenious acid	7783–00–8	4	U204	10 (4.54)
Selenious acid, dithallium (1 +) salt	12039–52–0	4	P114	1000 (454)
Selenium [III]	7782–49–2	2		100 (45.4)
Selenium dioxide	7746–08–4	1,4	U204	10 (4.54)
Selenium oxide	7746–08–4	1		10 (4.54)
Selenium sulfide SeS2	7488–56–4	4	U205	10 (4.54)
Selenourea	630–10–4	4	P103	1000 (454)
L-Serine, diazoacetate (ester)	115–02–6	4	U015	1 (0.454)
SILVER AND COMPOUNDS	N.A.	2		**
Silver [III]	7440–22–4	2		1000 (454)
Silver cyanide Ag(CN)	506–64–9	4	P104	1 (0.454)
Silver nitrate	7761–88–8	1		1 (0.454)
Silvex (2,4,5–TP)	93–72–1	1,4	See F027	100 (45.4)
Sodium	7440–23–5	1		10 (4.54)
Sodium arsenate	7631–89–2	1		1 (0.454)
Sodium arsenite	7784–46–5	1		1 (0.454)
Sodium azide	26628–22–8	4	P105	1000 (454)
Sodium bichromate	10588–01–9	1		10 (4.54)
Sodium bifluoride	1333–83–1	1		100 (45.4)
Sodium bisulfite	7631–90–5	1		5000 (2270)
Sodium chromate	7775–11–3	1		10 (4.54)
Sodium cyanide Na(CN)	143–33–9	1,4	P106	10 (4.54)
Sodium dodecylbenzenesulfonate	25155–30–0	1		1000 (454)
Sodium fluoride	7681–49–4	1		1000 (454)
Sodium hydrosulfide	16721–80–5	1		5000 (2270)
Sodium hydroxide	1310–73–2	1		1000 (454)
Sodium hypochlorite	7681–52–9 10022–70–5	1		100 (45.4)
Sodium methylate	124–41–4	1		1000 (454)
Sodium nitrite	7632–00–0	1		100 (45.4)
Sodium phosphate, dibasic	7558–79–4 10039–32–4 10140–65–5	1		5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Sodium phosphate, tribasic	7601–54–9	1		5000 (2270)
	10101–89–0			
	10361–89–4			
Sodium selenite	7782–82–3	1		100 (45.4)
	10102–18–8			
Streptozotocin	18883–66–4	4	U206	1 (0.454)
Strontium chromate	7789–06–2	1		10 (4.54)
Strychnidin-10-one, & salts	57–24–9	1,4	P108	10 (4.54)
Strychnidin-10-one, 2,3-dimethoxy-	357–57–3	4	P018	100 (45.4)
Strychnine, & salts	57–24–9	1,4	P108	10 (4.54)
Styrene	100–42–5	1,3		1000 (454)
Styrene oxide	96–09–3	3		100 (45.4)
Sulfuric acid	7664–93–9	1		1000 (454)
	8014–95–7			
Sulfuric acid, dimethyl ester	77–78–1	3,4	U103	100 (45.4)
Sulfuric acid, dithallium (1 +) salt	7446–18–6	1,4	P115	100 (45.4)
	10031–59–1			
Sulfur monochloride	12771–08–3	1		1000 (454)
Sulfur phosphide	1314–80–3	1,4	U189	100 (45.4)
2,4,5–T	93–76–5	1,4	See F027	1000 (454)
2,4,5–T acid	93–76–5	1,4	See F027	1000 (454)
2,4,5–T amines	2008–46–0	1		5000 (2270)
	1319–72–8			
	3813–14–7			
	6369–96–6			
	6369–97–7			
2,4,5–T esters	93–79–8	1		1000 (454)
	1928–47–8			
	2545–59–7			
	25168–15–4			
	61792–07–2			
2,4,5–T salts	13560–99–1	1		1000 (454)
TCDD	1746–01–6	2,3		1 (0.454)
TDE	72–54–8	1,2,4	U060	1 (0.454)
1,2,4,5-Tetrachlorobenzene	95–94–3	4	U207	5000 (2270)
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746–01–6	2,3		1 (0.454)
1,1,1,2-Tetrachloroethane	630–20–6	4	U208	100 (45.4)
1,1,2,2-Tetrachloroethane	79–34–5	2,3,4	U209	100 (45.4)
Tetrachloroethylene	127–18–4	2,3,4	U210	100 (45.4)
2,3,4,6-Tetrachlorophenol	58–90–2	4	See F027	10 (4.54)
Tetraethyl pyrophosphate	107–49–3	1,4	P111	10 (4.54)
Tetraethyl lead	78–00–2	1,4	P110	10 (4.54)
Tetraethyldithiopyrophosphate	3689–24–5	4	P109	100 (45.4)
Tetrahydrofuran	109–99–9	4	U213	1000 (454)
Tetranitromethane	509–14–8	4	P112	10 (4.54)
Tetraphosphoric acid, hexaethyl ester	757–58–4	4	P062	100 (45.4)
THALLIUM AND COMPOUNDS	N.A.	2		**
Thallic oxide	1314–32–5	4	P113	100 (45.4)
Thallium [III]	7440–28–0	2		1000 (454)
Thallium (I) acetate	563–68–8	4	U214	100 (45.4)
Thallium (I) carbonate	6533–73–9	4	U215	100 (45.4)
Thallium chloride TlCl	7791–12–0	4	U216	100 (45.4)
Thallium (I) nitrate	10102–45–1	4	U217	100 (45.4)
Thallium oxide Tl2O3	1314–32–5	4	P113	100 (45.4)
Thallium (I) selenite	12039–52–0	4	P114	1000 (454)
Thallium (I) sulfate	7446–18–6	1,4	P115	100 (45.4)
	10031–59–1			
Thioacetamide	62–55–5	4	U218	10 (4.54)
Thiodicarb	59669–26–0	4	U410	100 (45.4)
Thiodiphosphoric acid, tetraethyl ester	3689–24–5	4	P109	100 (45.4)
Thiofanox	39196–18–4	4	P045	100 (45.4)
Thioimidodicarbonic diamide [(H2N)C(S)] 2NH	541–53–7	4	P049	100 (45.4)
Thiomethanol	74–93–1	1,4	U153	100 (45.4)
Thioperoxydicarbonic diamide [(H2N)C(S)] 2S2, tetramethyl-	137–26–8	4	U244	10 (4.54)
Thiophanate-methyl	23564–05–8	4	U409	10 (4.54)
Thiophenol	108–98–5	4	P014	100 (45.4)
Thiosemicarbazide	79–19–6	4	P116	100 (45.4)
Thiourea	62–56–6	4	U219	10 (4.54)
Thiourea, (2-chlorophenyl)-	5344–82–1	4	P026	100 (45.4)
Thiourea, 1-naphthalenyl-	86–88–4	4	P072	100 (45.4)
Thiourea, phenyl-	103–85–5	4	P093	100 (45.4)
Thiram	137–26–8	4	U244	10 (4.54)
Tirpate	26419–73–8	4	P185	100 (45.4)
Titanium tetrachloride	7550–45–0	3		1000 (454)
Toluene	108–88–3	1,2,3,4	U220	1000 (454)
Toluenediamine	95–80–7	3,4	U221	10 (4.54)
	496–72–0			
	823–40–5			
	25376–45–8			

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
2,4-Toluene diamine	95–80–7 496–72–0 823–40–5 25376–45–8	3,4	U221	10 (4.54)
Toluene diisocyanate	91–08–7 584–84–9 26471–62–5	3,4	U223	100 (45.4)
2,4-Toluene diisocyanate	91–08–7 584–84–9 26471–62–5	3,4	U223	100 (45.4)
o-Toluidine	95–53–4	3,4	U328	100 (45.4)
p-Toluidine	106–49–0	4	U353	100 (45.4)
o-Toluidine hydrochloride	636–21–5	4	U222	100 (45.4)
Toxaphene	8001–35–2	1,2,3,4	P123	1 (0.454)
2,4,5–TP acid	93–72–1	1,4	See F027	100 (45.4)
2,4,5–TP esters	32534–95–5	1		100 (45.4)
Triallate	2303–17–5	4	U389	100 (45.4)
1H–1,2,4-Triazol-3-amine	61–82–5	4	U011	10 (4.54)
Trichlorfon	52–68–6	1		100 (45.4)
1,2,4-Trichlorobenzene	120–82–1	2,3		100 (45.4)
1,1,1-Trichloroethane	71–55–6	2,3,4	U226	1000 (454)
1,1,2-Trichloroethane	79–00–5	2,3,4	U227	100 (45.4)
Trichloroethylene	79–01–6	1,2,3,4	U228	100 (45.4)
Trichloromethanesulfenyl chloride	594–42–3	4	P118	100 (45.4)
Trichloromonofluoromethane	75–69–4	4	U121	5000 (2270)
Trichlorophenol	25167–82–2	1,2		10 (4.54)
2,3,4-Trichlorophenol	15950–66–0	1,2		10 (4.54)
2,3,5-Trichlorophenol	933–78–8	1,2		10 (4.54)
2,3,6-Trichlorophenol	933–75–5	1,2		10 (4.54)
2,4,5-Trichlorophenol	95–95–4	1,2,3,4	See F027	10 (4.54)
2,4,6-Trichlorophenol	88–06–2	1,2,3,4	See F027	10 (4.54)
3,4,5-Trichlorophenol	609–19–8	1,2		10 (4.54)
Triethanolamine dodecylbenzenesulfonate	27323–41–7	1		1000 (454)
Triethylamine	121–44–8	1,3,4	U404	5000 (2270)
Trifluralin	1582–09–8	3		10 (4.54)
Trimethylamine	75–50–3	1		100 (45.4)
2,2,4-Trimethylpentane	540–84–1	3		1000 (454)
1,3,5-Trinitrobenzene	99–35–4	4	U234	10 (4.54)
1,3,5-Trioxane, 2,4,6-trimethyl-	123–63–7	4	U182	1000 (454)
Tris(2,3-dibromopropyl) phosphate	126–72–7	4	U235	10 (4.54)
Trypan blue	72–57–1	4	U236	10 (4.54)
Unlisted Hazardous Wastes Characteristic of Corrosivity	N.A.	4	D002	100 (45.4)
Unlisted Hazardous Wastes Characteristic of Ignitability	N.A.	4	D001	100 (45.4)
Unlisted Hazardous Wastes Characteristic of Reactivity	N.A.	4	D003	100 (45.4)
Unlisted Hazardous Wastes Characteristic of Toxicity				
Arsenic (D004)	N.A.	4	D004	1 (0.454)
Barium (D005)	N.A.	4	D005	1000 (454)
Benzene (D018)	N.A.	1,2,3,4	D018	10 (4.54)
Cadmium (D006)	N.A.	4	D006	10 (4.54)
Carbon tetrachloride (D019)	N.A.	1,2,4	D019	10 (4.54)
Chlordane (D020)	N.A.	1,2,4	D020	1 (0.454)
Chlorobenzene (D021)	N.A.	1,2,4	D021	100 (45.4)
Chloroform (D022)	N.A.	1,2,4	D022	10 (4.54)
Chromium (D007)	N.A.	4	D007	10 (4.54)
o-Cresol (D023)	N.A.	4	D023	100 (45.4)
m-Cresol (D024)	N.A.	4	D024	100 (45.4)
p-Cresol (D025)	N.A.	4	D025	100 (45.4)
Cresol (D026)	N.A.	4	D026	100 (45.4)
2,4-D (D016)	N.A.	1,4	D016	100 (45.4)
1,4-Dichlorobenzene (D027)	N.A.	1,2,4	D027	100 (45.4)
1,2-Dichloroethane (D028)	N.A.	1,2,4	D028	100 (45.4)
1,1-Dichloroethylene (D029)	N.A.	1,2,4	D029	100 (45.4)
2,4-Dinitrotoluene (D030)	N.A.	1,2,4	D030	10 (4.54)
Endrin (D012)	N.A.	1,4	D012	1 (0.454)
Heptachlor (and epoxide) (D031)	N.A.	1,2,4	D031	1 (0.454)
Hexachlorobenzene (D032)	N.A.	2,4	D032	10 (4.54)
Hexachlorobutadiene (D033)	N.A.	2,4	D033	1 (0.454)
Hexachloroethane (D034)	N.A.	2,4	D034	100 (45.4)
Lead (D008)	N.A.	4	D008	10 (4.54)
Lindane (D013)	N.A.	1,4	D013	1 (0.454)
Mercury (D009)	N.A.	4	D009	1 (0.454)
Methoxychlor (D014)	N.A.	1,4	D014	1 (0.454)
Methyl ethyl ketone (D035)	N.A.	4	D035	5000 (2270)
Nitrobenzene (D036)	N.A.	1,2,4	D036	1000 (454)
Pentachlorophenol (D037)	N.A.	1,2,4	D037	10 (4.54)
Pyridine (D038)	N.A.	4	D038	1000 (454)
Selenium (D010)	N.A.	4	D010	10 (4.54)
Silver (D011)	N.A.	4	D011	1 (0.454)
Tetrachloroethylene (D039)	N.A.	2,4	D039	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
Toxaphene (D015)	N.A.	1,4	D015	1 (0.454)
Trichloroethylene (D040)	N.A.	1,2,4	D040	100 (45.4)
2,4,5-Trichlorophenol (D041)	N.A.	1,4	D041	10 (4.54)
2,4,6-Trichlorophenol (D042)	N.A.	1,2,4	D042	10 (4.54)
2,4,5-TP (D017)	N.A.	1,4	D017	100 (45.4)
Vinyl chloride (D043)	N.A.	2,3,4	D043	1 (0.454)
Uracil mustard	66–75–1	4	U237	10 (4.54)
Uranyl acetate	541–09–3	1		100 (45.4)
Uranyl nitrate	10102–06–4 36478–76–9	1		100 (45.4)
Urea, N-ethyl-N-nitroso-	759–73–9	4	U176	1 (0.454)
Urea, N-methyl-N-nitroso-	684–93–5	3,4	U177	1 (0.454)
Urethane	51–79–6	3,4	U238	100 (45.4)
Vanadic acid, ammonium salt	7803–55–6	4	P119	1000 (454)
Vanadium oxide V2O5	1314–62–1	1,4	P120	1000 (454)
Vanadium pentoxide	1314–62–1	1,4	P120	1000 (454)
Vanadyl sulfate	27774–13–6	1		1000 (454)
Vinyl acetate	108–05–4	1,3		5000 (2270)
Vinyl acetate monomer	108–05–4	1,3		5000 (2270)
Vinylamine, N-methyl-N-nitroso-	4549–40–0	4	P084	10 (4.54)
Vinyl bromide	593–60–2	3		100 (45.4)
Vinyl chloride	75–01–4	2,3,4	U043	1 (0.454)
Vinylidene chloride	75–35–4	1,2,3,4	U078	100 (45.4)
Warfarin, & salts	81–81–2	4	P001, U248	100 (45.4)
Xylene (mixed)	1330–20–7	1,3,4	U239	100 (45.4)
Xylenes (isomers and mixture)	1330–20–7	1,3,4	U239	100 (45.4)
Xylene	1330–20–7	1,3,4	U239	100 (45.4)
m-Xylene	108–38–3	3		1000 (454)
o-Xylene	95–47–6	3		1000 (454)
p-Xylene	106–42–3	3		100 (45.4)
Xylenol	1300–71–6	1		1000 (454)
Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester (3beta,16beta,17alpha, 18beta,20alpha).	50–55–54	4	U200	5000 (2270)
ZINC AND COMPOUNDS	N.A.	2		**
Zinc [III]	7440–66–6	2		1000 (454)
Zinc acetate	557–34–6	1		1000 (454)
Zinc ammonium chloride	52628–25–8 14639–97–5 14639–98–6	1		1000 (454)
Zinc, bis(dimethylcarbamodithioato-S,S′)-	137–30–4	4	P205	10 (4.54)
Zinc borate	1332–07–6	1		1000 (454)
Zinc bromide	7699–45–8	1		1000 (454)
Zinc carbonate	3486–35–9	1		1000 (454)
Zinc chloride	7646–85–7	1		1000 (454)
Zinc cyanide Zn(CN)2	557–21–1	1,4	P121	10 (4.54)
Zinc fluoride	7783–49–5	1		1000 (454)
Zinc formate	557–41–5	1		1000 (454)
Zinc hydrosulfite	7779–86–4	1		1000 (454)
Zinc nitrate	7779–88–6	1		1000 (454)
Zinc phenolsulfonate	127–82–2	1		5000 (2270)
Zinc phosphide Zn3P2	1314–84–7	1,4	P122, U249	100 (45.4)
Zinc silicofluoride	16871–71–9	1		5000 (2270)
Zinc sulfate	7733–02–0	1		1000 (454)
Ziram	137–30–4	4	P205	10 (4.54)
Zirconium nitrate	13746–89–9	1		5000 (2270)
Zirconium potassium fluoride	16923–95–8	1		1000 (454)
Zirconium sulfate	14644–61–2	1		5000 (2270)
Zirconium tetrachloride	10026–11–6	1		5000 (2270)
F001—The following spent halogenated solvents used in degreasing; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the halogenated solvents listed below or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.		4	F001	10 (4.54)
(a) Tetrachloroethylene	127–18–4	2,3,4	U210	100 (45.4)
(b) Trichloroethylene	79–01–6	1,2,3,4	U228	100 (45.4)
(c) Methylene chloride	75–09–2	2,3,4	U080	1000 (454)
(d) 1,1,1-Trichloroethane	71–55–6	2,3,4	U226	1000 (454)
(e) Carbon tetrachloride	56–23–5	1,2,3,4	U211	10 (4.54)
(f) Chlorinated fluorocarbons	N.A.			5000 (2270)
F002—The following spent halogenated solvents; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the halogenated solvents listed below or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.		4	F002	10 (4.54)
(a) Tetrachloroethylene	127–18–4	2,3,4	U210	100 (45.4)
(b) Methylene chloride	75–09–2	2,3,4	U080	1000 (454)
(c) Trichloroethylene	79–01–6	1,2,3,4	U228	100 (45.4)
(d) 1,1,1-Trichloroethane	71–55–6	2,3,4	U226	1000 (454)
(e) Chlorobenzene	108–90–7	1,2,3,4	U037	100 (45.4)
(f) 1,1,2-Trichloro-1,2,2-trifluoroethane	76–13–1			5000 (2270)
(g) o-Dichlorobenzene	95–50–1	1,2,4	U070	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
(h) Trichlorofluoromethane	75–69–4	4	U121	5000 (2270)
(i) 1,1,2-Trichloroethane	79–00–5	2,3,4	U227	100 (45.4)
F003—The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents.		4	F003	100 (45.4)
(a) Xylene	1330–20–7			1000 (454)
(b) Acetone	67–64–1			5000 (2270)
(c) Ethyl acetate	141–78–6			5000 (2270)
(d) Ethylbenzene	100–41–4			1000 (454)
(e) Ethyl ether	60–29–7			100 (45.4)
(f) Methyl isobutyl ketone	108–10–1			5000 (2270)
(g) n-Butyl alcohol	71–36–3			5000 (2270)
(h) Cyclohexanone	108–94–1			5000 (2270)
(i) Methanol	67–56–1			5000 (2270)
F004—The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents.		4	F004	100 (45.4)
(a) Cresols/Cresylic acid	1319–77–3	1,3,4	U052	100 (45.4)
(b) Nitrobenzene	98–95–3	1,2,3,4	U169	1000 (454)
F005—The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents.		4	F005	100 (45.4)
(a) Toluene	108–88–3	1,2,3,4	U220	1000 (454)
(b) Methyl ethyl ketone	78–93–3	4	U159	5000 (2270)
(c) Carbon disulfide	75–15–0	1,3,4	P022	100 (45.4)
(d) Isobutanol	78–83–1	4	U140	5000 (2270)
(e) Pyridine	110–86–1	4	U196	1000 (454)
F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbon steel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etching and milling of aluminum.		4	F006	10 (4.54)
F007—Spent cyanide plating bath solutions from electroplating operations.		4	F007	10 (4.54)
F008—Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.		4	F008	10 (4.54)
F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.		4	F009	10 (4.54)
F010—Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.		4	F010	10 (4.54)
F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations		4	F011	10 (4.54)
F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.		4	F012	10 (4.54)
F019—Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process . . . Wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are either: Disposed in a Subtitle D municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; or disposed in a landfill unit subject to, or otherwise meeting, the landfill requirements in § 258.40, § 264.301 or § 265.301. For the purposes of this listing, motor vehicle manufacturing is defined in § 261.31(b)(4)(i) and § 261.31(b)(4)(ii) describes the recordkeeping requirements for motor vehicle manufacturing facilities.		4	F019	10 (4.54)
F020—Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol).		4	F020	1 (0.454)
F021—Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol or of intermediates used to produce its derivatives.		4	F021	1 (0.454)
F022—Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.		4	F022	1 (0.454)
F023—Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or a component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol).		4	F023	1 (0.454)
F024—Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 40 CFR 261.31 or 261.32).		4	F024	1 (0.454)
F025—Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.		4	F025	1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
F026—Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	.....	4	F026	1 (0.454)
F027—Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component).	.....	4	F027	1 (0.454)
F028—Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.	.....	4	F028	1 (0.454)
F032—Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with § 261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	.....	4	F032	1 (0.454)
F034—Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	.....	4	F034	1 (0.454)
F035—Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	.....	4	F035	1 (0.454)
F037—Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to those generated in oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under § 261.4(a)(12)(i), if those residuals are to be disposed of.	.....	4	F037	1 (0.454)
F038—Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: Induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.	.....	4	F038	1 (0.454)
F039—Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of 40 CFR part 261. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other hazardous wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028).	.....	4	F039	1 (0.454)
K001—Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	.....	4	K001	1 (0.454)
K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments	.....	4	K002	10 (4.54)
K003—Wastewater treatment sludge from the production of molybdate orange pigments	.....	4	K003	10 (4.54)
K004—Wastewater treatment sludge from the production of zinc yellow pigments	.....	4	K004	10 (4.54)
K005—Wastewater treatment sludge from the production of chrome green pigments	.....	4	K005	10 (4.54)
K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	.....	4	K006	10 (4.54)
K007—Wastewater treatment sludge from the production of iron blue pigments	.....	4	K007	10 (4.54)
K008—Oven residue from the production of chrome oxide green pigments	.....	4	K008	10 (4.54)
K009—Distillation bottoms from the production of acetaldehyde from ethylene	.....	4	K009	10 (4.54)
K010—Distillation side cuts from the production of acetaldehyde from ethylene	.....	4	K010	10 (4.54)
K011—Bottom stream from the wastewater stripper in the production of acrylonitrile	.....	4	K011	10 (4.54)
K013—Bottom stream from the acetonitrile column in the production of acrylonitrile	.....	4	K013	10 (4.54)
K014—Bottoms from the acetonitrile purification column in the production of acrylonitrile	.....	4	K014	5000 (2270)
K015—Still bottoms from the distillation of benzyl chloride	.....	4	K015	10 (4.54)
K016—Heavy ends or distillation residues from the production of carbon tetrachloride	.....	4	K016	1 (0.454)
K017—Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin ..	.....	4	K017	10 (4.54)
K018—Heavy ends from the fractionation column in ethyl chloride production	.....	4	K018	1 (0.454)
K019—Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production	.....	4	K019	1 (0.454)
K020—Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production	.....	4	K020	1 (0.454)
K021—Aqueous spent antimony catalyst waste from fluoromethanes production	.....	4	K021	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
K022—Distillation bottom tars from the production of phenol/acetone from cumene		4	K022	1 (0.454)
K023—Distillation light ends from the production of phthalic anhydride from naphthalene		4	K023	5000 (2270)
K024—Distillation bottoms from the production of phthalic anhydride from naphthalene		4	K024	5000 (2270)
K025—Distillation bottoms from the production of nitrobenzene by the nitration of benzene		4	K025	10 (4.54)
K026—Stripping still tails from the production of methyl ethyl pyridines		4	K026	1000 (454)
K027—Centrifuge and distillation residues from toluene diisocyanate production		4	K027	10 (4.54)
K028—Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane		4	K028	1 (0.454)
K029—Waste from the product steam stripper in the production of 1,1,1- trichloroethane		4	K029	1 (0.454)
K030—Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.		4	K030	1 (0.454)
K031—By-product salts generated in the production of MSMA and cacodylic acid		4	K031	1 (0.454)
K032—Wastewater treatment sludge from the production of chlordane		4	K032	10 (4.54)
K033—Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.		4	K033	10 (4.54)
K034—Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane		4	K034	10 (4.54)
K035—Wastewater treatment sludges generated in the production of creosote		4	K035	1 (0.454)
K036—Still bottoms from toluene reclamation distillation in the production of disulfoton		4	K036	1 (0.454)
K037—Wastewater treatment sludges from the production of disulfoton		4	K037	1 (0.454)
K038—Wastewater from the washing and stripping of phorate production		4	K038	10 (4.54)
K039—Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate		4	K039	10 (4.54)
K040—Wastewater treatment sludge from the production of phorate		4	K040	10 (4.54)
K041—Wastewater treatment sludge from the production of toxaphene		4	K041	1 (0.454)
K042—Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5–T.		4	K042	10 (4.54)
K043—2,6-Dichlorophenol waste from the production of 2,4–D		4	K043	10 (4.54)
K044—Wastewater treatment sludges from the manufacturing and processing of explosives		4	K044	10 (4.54)
K045—Spent carbon from the treatment of wastewater containing explosives		4	K045	10 (4.54)
K046—Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.		4	K046	10 (4.54)
K047—Pink/red water from TNT operations		4	K047	10 (4.54)
K048—Dissolved air flotation (DAF) float from the petroleum refining industry		4	K048	10 (4.54)
K049—Slop oil emulsion solids from the petroleum refining industry		4	K049	10 (4.54)
K050—Heat exchanger bundle cleaning sludge from the petroleum refining industry		4	K050	10 (4.54)
K051—API separator sludge from the petroleum refining industry		4	K051	10 (4.54)
K052—Tank bottoms (leaded) from the petroleum refining industry		4	K052	10 (4.54)
K060—Ammonia still lime sludge from coking operations		4	K060	1 (0.454)
K061—Emission control dust/sludge from the primary production of steel in electric furnaces		4	K061	10 (4.54)
K062—Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).		4	K062	10 (4.54)
K069—Emission control dust/sludge from secondary lead smelting. (Note: This listing is stayed administratively for sludge generated from secondary acid scrubber systems. The stay will remain in effect until further administrative action is taken. If EPA takes further action effecting the stay, EPA will publish a notice of the action in the **Federal Register**).		4	K069	10 (4.54)
K071—Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.		4	K071	1 (0.454)
K073—Chlorinated hydrocarbon waste from the purification step of the diaphragm cellprocess using graphite anodes in chlorine production.		4	K073	10 (4.54)
K083—Distillation bottoms from aniline production		4	K083	100 (45.4)
K084—Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		4	K084	1 (0.454)
K085—Distillation or fractionation column bottoms from the production of chlorobenzenes		4	K085	10 (4.54)
K086—Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.		4	K086	10 (4.54)
K087—Decanter tank tar sludge from coking operations		4	K087	100 (45.4)
K088—Spent potliners from primary aluminum reduction		4	K088	10 (4.54)
K093—Distillation light ends from the production of phthalic anhydride from ortho-xylene		4	K093	5000 (2270)
K094—Distillation bottoms from the production of phthalic anhydride from ortho-xylene		4	K094	5000 (2270)
K095—Distillation bottoms from the production of 1,1,1-trichloroethane		4	K095	100 (45.4)
K096—Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane		4	K096	100 (45.4)
K097—Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane		4	K097	1 (0.454)
K098—Untreated process wastewater from the production of toxaphene		4	K098	1 (0.454)
K099—Untreated wastewater from the production of 2,4–D		4	K099	10 (4.54)
K100—Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.		4	K100	10 (4.54)
K101—Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		4	K101	1 (0.454)
K102—Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		4	K102	1 (0.454)
K103—Process residues from aniline extraction from the production of aniline		4	K103	100 (45.4)
K104—Combined wastewater streams generated from nitrobenzene/aniline production		4	K104	10 (4.54)
K105—Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.		4	K105	10 (4.54)
K106—Wastewater treatment sludge from the mercury cell process in chlorine production		4	K106	1 (0.454)
K107—Column bottoms from product separation from the production of 1,1- dimethylhydrazine (UDMH) from carboxylic acid hydrazines.		4	K107	10 (4.54)
K108—Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1- dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		4	K108	10 (4.54)
K109—Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		4	K109	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [i]	Statutory code [ii]	RCRA waste No.	Final RQ [pounds (kg)]
K110—Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		4	K110	10 (4.54)
K111—Product washwaters from the production of dinitrotoluene via nitration of toluene		4	K111	10 (4.54)
K112—Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.		4	K112	10 (4.54)
K113—Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		4	K113	10 (4.54)
K114—Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		4	K114	10 (4.54)
K115—Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		4	K115	10 (4.54)
K116—Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.		4	K116	10 (4.54)
K117—Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.		4	K117	1 (0.454)
K118—Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.		4	K118	1 (0.454)
K123—Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.		4	K123	10 (4.54)
K124—Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.		4	K124	10 (4.54)
K125—Filtration, evaporation, and centrifugation solids from the production of ethylenebisdi thiocarbamic acid and its salts.		4	K125	10 (4.54)
K126—Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.		4	K126	10 (4.54)
K131—Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.		4	K131	100 (45.4)
K132—Spent absorbent and wastewater separator solids from the production of methyl bromide		4	K132	1000 (454)
K136—Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.		4	K136	1 (0.454)
K141—Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal This listing does not include K087 (decanter tank tar sludges from coking operations).		4	K141	1 (0.454)
K142—Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.		4	K142	1 (0.454)
K143—Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by- products produced from coal.		4	K143	1 (0.454)
K144—Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.		4	K144	1 (0.454)
K145—Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.		4	K145	1 (0.454)
K147—Tar storage tank residues from coal tar refining		4	K147	1 (0.454)
K148—Residues from coal tar distillation, including, but not limited to, still bottoms		4	K148	1 (0.454)
K149—Distillation bottoms from the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. [This waste does not include still bottoms from the distillation of benzyl chloride].		4	K149	10 (4.54)
K150—Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.		4	K150	10 (4.54)
K151—Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of waste-waters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.		4	K151	10 (4.54)
K156—Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate).		4	K156	10 (4.54)
K157—Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate).		4	K157	10 (4.54)
K158—Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate).		4	K158	10 (4.54)
K159—Organics from the treatment of thiocarbamate wastes		4	K159	10 (4.54)
K161—Purification solids (including filtration, evaporation, and centrifugation solids), bag-house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126).		4	K161	1 (0.454)
K169 [f]—Crude oil storage tank sediment from petroleum refining operations		4	K169	10 (4.54)
K170 [f]—Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.		4	K170	1 (0.454)
K171 [f]—Spent hydrotreating catalyst from petroleum refining operations. (This listing does not include inert support media).		4	K171	1 (0.454)
K172 [f]—Spent hydrorefining catalyst from petroleum refining operations. (This listing does not include inert support media).		4	K172	1 (0.454)
K174 [f]		4	K174	1 (0.454)
K175 [f]		4	K175	1 (0.454)
K176—Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).		4	K176	1 (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

[All comments/notes are located at the end of the table.]

Hazardous substance	CASRN [I]	Statutory code [II]	RCRA waste No.	Final RQ [pounds (kg)]
K177—Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (*e.g.,* antimony metal or crude antimony oxide).	.....	4	K177	5000 (2270)
K178—Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.	.....	4	K178	1000 (454)
K181—Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of section 261.32 that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis.	.....	4	K181	(##)

[I] Provides reference to Note I to Table 302.4 to discuss the applicability of CASRNs.
[II] Indicates the statutory source defined by 1, 2, 3, and 4, as described in the Note II to Table 302.4.
[III] No reporting of releases of this hazardous substance is required if the diameter of the pieces of the solid metal released is larger than 100 micrometers (0.004 inches).
[IV] The RQ for asbestos is limited to friable forms only.
The Agency may adjust the statutory RQ for this hazardous substance in a future rulemaking; until then the statutory one-pound RQ applies.
§ The adjusted RQs for radionuclides may be found in appendix B to this table.
** Indicates that no RQ is being assigned to the generic or broad class.
[a] Benzene was already a CERCLA hazardous substance prior to the CAA Amendments of 1990 and received an adjusted 10-pound RQ based on potential carcinogenicity in an August 14, 1989, final rule (54 FR 33418). The CAA Amendments specify that ''benzene (including benzene from gasoline)'' is a hazardous air pollutant and, thus, a CERCLA hazardous substance.
[b] The CAA Amendments of 1990 list DDE (3547–04–4) as a CAA hazardous air pollutant. The CAS number, 3547–04–4, is for the chemical, p,p′dichlorodiphenylethane. DDE or p,p′-dichlorodiphenyldichloroethylene, CAS number 72–55–9, is already listed in Table 302.4 with a final RQ of 1 pound. The substance identified by the CAS number 3547–04–4 has been evaluated and listed as DDE to be consistent with the CAA section 112 listing, as amended.
[c] Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
[d] Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH2CH2)n-OR′ where:
n = 1, 2, or 3;
R = alkyl C7 or less; or
R = phenyl or alkyl substituted phenyl;
R′= H or alkyl C7 or less; or
OR′ consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.
[e] Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100 °C.
[f] See 40 CFR 302.6(b)(1) for application of the mixture rule to this hazardous waste.

Appendix A to § 302.4—Sequential CAS Registry Number List of CERCLA Hazardous Substances

Appendix A to § 302.4 lists CERCLA hazardous substances in sequential order by CASRN and provides a per-substance grouping of regulatory synonyms (*i.e.,* names by which each hazardous substance is identified in other statutes and their implementing regulations).

CASRN	Hazardous substance
50–00–0	Formaldehyde.
50–07–7	Azirino[2′,3′:3,4]pyrrolo[1,2-a]indole-4,7-dione,6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a, 8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta,8aalpha,8balpha)]-.
	Mitomycin C.
50–18–0	Cyclophosphamide.
	2H–1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide.
50–29–3	Benzene, 1,1′-(2,2,2- trichloroethylidene)bis[4-chloro-.
	DDT.
	4,4′-DDT.
50–32–8	Benzo[a]pyrene.
	3,4-Benzopyrene.
50–55–5	Reserpine.
	Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3 ,4,5-trimethoxybenzoyl)oxy]-, methyl ester (3beta, 16beta,17alpha,18beta,20alpha)-.
51–28–5	Phenol, 2,4-dinitro-.
	2,4-Dinitrophenol.
51–43–4	Epinephrine.
	1,2-Benzenediol,4-[1-hydroxy-2-(methylamino) ethyl]-.
51–79–6	Carbamic acid, ethyl ester.
	Ethyl carbamate.
	Urethane.
52–68–6	Trichlorfon.
52–85–7	Famphur.
	Phosphorothioic acid, O-[4-[(dimethylamino) sulfonyl]phenyl] O,O-dimethyl ester.
53–70–3	Dibenz[a,h]anthracene.
	Dibenzo[a,h]anthracene.
	1,2:5,6-Dibenzanthracene.
53–96–3	Acetamide, N–9H-fluoren-2-yl-.
	2-Acetylaminofluorene.
54–11–5	Nicotine, & salts.
	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts.
55–18–5	Ethanamine, N-ethyl-N-nitroso-.
	N-Nitrosodiethylamine.
55–63–0	Nitroglycerine.
	1,2,3-Propanetriol, trinitrate.
55–91–4	Diisopropylfluorophosphate (DFP).

CASRN	Hazardous substance
	Phosphorofluororidic acid, bis(1-methylethyl) ester.
56–04–2	Methylthiouracil.
	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-.
56–23–5	Carbon tetrachloride.
	Methane, tetrachloro-.
56–38–2	Parathion.
	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester.
56–49–5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-.
	3-Methylcholanthrene.
56–53–1	Diethylstilbestrol.
	Phenol, 4,4′-(1,2-diethyl-1,2-ethenediyl)bis-, (E).
56–55–3	Benz[a]anthracene.
	Benzo[a]anthracene.
	1,2-Benzanthracene.
56–72–4	Coumaphos.
57–14–7	Hydrazine, 1,1-dimethyl-.
	1,1-Dimethylhydrazine.
57–24–9	Strychnidin-10-one, & salts.
	Strychnine, & salts.
57–47–6	Physostigmine.
	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-.
57–57–8	beta-Propiolactone.
57–64–7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1).
	Physostigmine salicylate.
57–74–9	Chlordane.
	Chlordane, alpha & gamma isomers.
	CHLORDANE (TECHNICAL MIXTURE AND METABOLITES).
	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a-hexahydro-.
57–97–6	Benz[a]anthracene, 7,12-dimethyl-.
	7,12-Dimethylbenz[a]anthracene.
58–89–9	γ-BHC.
	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1α,2α,3β,4α,5α,6β)-.
	Lindane.
	Lindane (all isomers).
58–90–2	Phenol, 2,3,4,6-tetrachloro-.
	2,3,4,6-Tetrachlorophenol.
59–50–7	p-Chloro-m-cresol.
	Phenol, 4-chloro-3-methyl-.
59–89–2	N-Nitrosomorpholine.
60–00–4	Ethylenediamine-tetraacetic acid (EDTA).
60–11–7	Benzenamine, N,N-dimethyl-4-(phenylazo)-.
	Dimethyl aminoazobenzene.
	p-Dimethylaminoazobenzene.
60–29–7	Ethane, 1,1′-oxybis-.
	Ethyl ether.
60–34–4	Hydrazine, methyl-.
	Methyl hydrazine.
60–35–5	Acetamide.
60–51–5	Dimethoate.
	Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester.
60–57–1	Dieldrin.
	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2, 2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta, 6aalpha,7beta, 7aalpha)-.
61–82–5	Amitrole.
	1H–1,2,4-Triazol-3-amine.
62–38–4	Mercury, (acetato-O)phenyl-.
	Phenylmercury acetate.
62–44–2	Acetamide, N-(4-ethoxyphenyl)-.
	Phenacetin.
62–50–0	Ethyl methanesulfonate.
	Methanesulfonic acid, ethyl ester.
62–53–3	Aniline.
	Benzenamine.
62–55–5	Ethanethioamide.
	Thioacetamide.
62–56–6	Thiourea.
62–73–7	Dichlorvos.
62–74–8	Acetic acid, fluoro-, sodium salt.
	Fluoroacetic acid, sodium salt.
62–75–9	Methanamine, N-methyl-N-nitroso-.
	N-Nitrosodimethylamine.
63–25–2	Carbaryl.
	1-Naphthalenol, methylcarbamate.
64–00–6	m-Cumenyl methylcarbamate.
	3-Isopropylphenyl N-methylcarbamate.
	Phenol, 3-(1-methylethyl)-, methyl carbamate.
64–18–6	Formic acid.
64–19–7	Acetic acid.
64–67–5	Diethyl sulfate.
65–85–0	Benzoic acid.
66–75–1	Uracil mustard.
	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl) amino]-.
67–56–1	Methanol.

CASRN	Hazardous substance
	Methyl alcohol.
67–64–1	Acetone.
	2-Propanone.
67–66–3	Chloroform.
	Methane, trichloro-.
67–72–1	Ethane, hexachloro-.
	Hexachloroethane.
68–12–2	Dimethylformamide.
70–25–7	Guanidine, N-methyl-N′-nitro-N-nitroso-.
	MNNG.
70–30–4	Hexachlorophene.
	Phenol, 2,2′-methylenebis[3,4,6-tri- chloro-.
71–36–3	n-Butyl alcohol.
	1-Butanol.
71–43–2	Benzene.
71–55–6	Ethane, 1,1,1-trichloro-.
	Methyl chloroform.
	1,1,1-Trichloroethane.
72–20–8	Endrin.
	Endrin, & metabolites.
	2,7:3.6-Dimethanonaphth[2,3-b]oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha, 6alpha,6abeta,7beta,7aalpha)-, & metabolites.
72–43–5	Benzene, 1,1′-(2,2,2-trichloroethylidene)bis[4- methoxy-.
	Methoxychlor.
72–54–8	Benzene, 1,1′-(2,2-dichloroethylidene)bis[4-chloro-.
	DDD.
	TDE.
	4,4′-DDD.
72–55–9	DDE.
	4,4′-DDE.
72–57–1	Trypan blue.
	2,7-Naphthalenedisulfonic acid, 3,3′-[(3,3′-dimethyl-(l,1′-biphenyl)-4,4′-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt.
74–83–9	Bromomethane.
	Methane, bromo-.
	Methyl bromide.
74–87–3	Chloromethane.
	Methane, chloro-.
	Methyl chloride.
74–88–4	Iodomethane.
	Methane, iodo-.
	Methyl iodide.
74–89–5	Monomethylamine.
74–90–8	Hydrocyanic acid.
	Hydrogen cyanide.
74–93–1	Methanethiol.
	Methyl mercaptan.
	Thiomethanol.
74–95–3	Methane, dibromo-.
	Methylene bromide.
75–00–3	Chloroethane.
	Ethyl chloride.
75–01–4	Ethene, chloro-.
	Vinyl chloride.
75–04–7	Monoethylamine.
75–05–8	Acetonitrile.
75–07–0	Acetaldehyde.
	Ethanal.
75–09–2	Dichloromethane.
	Methane, dichloro-.
	Methylene chloride.
75–15–0	Carbon disulfide.
75–20–7	Calcium carbide.
75–21–8	Ethylene oxide.
	Oxirane.
75–25–2	Bromoform.
	Methane, tribromo-.
75–27–4	Dichlorobromomethane.
75–34–3	Ethane, 1,1-dichloro-.
	Ethylidene dichloride.
	1,1-Dichloroethane.
75–35–4	Ethene, 1,1-dichloro-.
	Vinylidene chloride.
	1,1-Dichloroethylene.
75–36–5	Acetyl chloride.
75–44–5	Carbonic dichloride.
	Phosgene.
75–50–3	Trimethylamine.
75–55–8	Aziridine, 2-methyl-.
	2-Methyl aziridine.
	1,2-Propylenimine.
75–56–9	Propylene oxide.
75–60–5	Arsinic acid, dimethyl-.
	Cacodylic acid.

CASRN	Hazardous substance
75–64–9	tert-Butylamine.
75–69–4	Methane, trichlorofluoro-.
	Trichloromonofluoromethane.
75–71–8	Dichlorodifluoromethane.
	Methane, dichlorodifluoro-.
75–86–5	Acetone cyanohydrin.
	Propanenitrile, 2-hydroxy-2-methyl-.
	2-Methyllactonitrile.
75–87–6	Acetaldehyde, trichloro-.
	Chloral.
75–99–0	2,2-Dichloropropionic acid.
76–01–7	Ethane, pentachloro-.
	Pentachloroethane.
76–44–8	Heptachlor.
	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-.
77–47–4	Hexachlorocyclopentadiene.
	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa- chloro-.
77–78–1	Dimethyl sulfate.
	Sulfuric acid, dimethyl ester.
78–00–2	Plumbane, tetraethyl-.
	Tetraethyl lead.
78–59–1	Isophorone.
78–79–5	Isoprene.
78–81–9	iso-Butylamine.
78–83–1	Isobutyl alcohol.
	1-Propanol, 2-methyl-.
78–87–5	Propane, 1,2-dichloro-.
	Propylene dichloride.
	1,2-Dichloropropane.
78–88–6	2,3-Dichloropropene.
78–93–3	2-Butanone.
	MEK.
	Methyl ethyl ketone.
78–99–9	1,1-Dichloropropane.
79–00–5	Ethane, 1,1,2-trichloro-.
	1,1,2-Trichloroethane.
79–01–6	Ethene, trichloro-.
	Trichloroethylene.
79–06–1	Acrylamide.
	2-Propenamide.
79–09–4	Propionic acid.
79–10–7	Acrylic acid.
	2-Propenoic acid.
79–11–8	Chloroacetic acid.
79–19–6	Hydrazinecarbothioamide.
	Thiosemicarbazide.
79–22–1	Carbonochloridic acid, methyl ester.
	Methyl chlorocarbonate.
79–31–2	iso-Butyric acid.
79–34–5	Ethane, 1,1,2,2-tetrachloro-.
	1,1,2,2-Tetrachloroethane.
79–44–7	Carbamic chloride, dimethyl-.
	Dimethylcarbamoyl chloride.
79–46–9	Propane, 2-nitro-.
	2-Nitropropane.
80–15–9	alpha,alpha-Dimethylbenzylhydroperoxide.
	Hydroperoxide, 1-methyl-1-phenylethyl-.
80–62–6	Methyl methacrylate.
	2-Propenoic acid, 2-methyl-, methyl ester.
81–81–2	Warfarin, & salts.
	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts.
82–68–8	Benzene, pentachloronitro-.
	PCNB.
	Pentachloronitrobenzene.
	Quintobenzene.
83–32–9	Acenaphthene.
84–66–2	Diethyl phthalate.
	1,2-Benzenedicarboxylic acid, diethyl ester.
84–74–2	Di-n-butyl phthalate.
	Dibutyl phthalate.
	n-Butyl phthalate.
	1,2-Benzenedicarboxylic acid, dibutyl ester.
85–00–7	Diquat.
85–01–8	Phenanthrene.
85–44–9	Phthalic anhydride.
	1,3-Isobenzofurandione.
85–68–7	Butyl benzyl phthalate.
86–30–6	N-Nitrosodiphenylamine.
86–50–0	Guthion.
86–73–7	Fluorene.
86–88–4	alpha-Naphthylthiourea.
	Thiourea, 1-naphthalenyl-.
87–65–0	Phenol, 2,6-dichloro-.

CASRN	Hazardous substance
	2,6-Dichlorophenol.
87–68–3	Hexachlorobutadiene.
	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-.
87–86–5	Pentachlorophenol.
	Phenol, pentachloro-.
88–06–2	Phenol, 2,4,6-trichloro-.
	2,4,6-Trichlorophenol.
88–72–2	o-Nitrotoluene.
88–75–5	o-Nitrophenol.
	2-Nitrophenol.
88–85–7	Dinoseb.
	Phenol, 2-(1-methylpropyl)-4,6-dinitro-.
90–04–0	o-Anisidine.
91–08–7	Benzene, 1,3-diisocyanatomethyl-.
	Toluene diisocyanate.
	2,4-Toluene diisocyanate.
91–20–3	Naphthalene.
91–22–5	Quinoline.
91–58–7	beta-Chloronaphthalene.
	Naphthalene, 2-chloro-.
	2-Chloronaphthalene.
91–59–8	beta-Naphthylamine.
	2-Naphthalenamine.
91–66–7	N,N-Diethylaniline.
91–80–5	Methapyrilene.
	1,2-Ethanediamine, N,N-dimethyl-N′-2-pyridinyl-N′- (2-thienylmethyl)-.
91–94–1	[1,1′-Biphenyl]-4,4′-diamine,3,3′-dichloro-.
	3,3′-Dichlorobenzidine.
92–52–4	Biphenyl.
92–67–1	4-Aminobiphenyl.
92–87–5	Benzidine.
	[1,1′-Biphenyl]-4,4′-diamine.
92–93–3	4-Nitrobiphenyl.
	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-.
	Silvex (2,4,5–TP).
	2,4,5–TP acid.
93–76–5	Acetic acid, (2,4,5-trichlorophenoxy)-.
93–72–1	2,4,5–T.
	2,4,5–T acid.
93–79–8	2,4,5–T esters.
94–11–1	2,4–D Ester.
94–58–6	Dihydrosafrole.
	1,3-Benzodioxole, 5-propyl-.
94–59–7	Safrole.
	1,3-Benzodioxole, 5-(2-propenyl)-.
94–79–1	2,4–D Ester.
94–80–4	2,4–D Ester.
95–47–6	o-Xylene.
95–48–7	o-Cresol.
95–50–1	Benzene, 1,2-dichloro-.
	o-Dichlorobenzene.
	1,2-Dichlorobenzene.
95–53–4	Benzenamine, 2-methyl-.
	o-Toluidine.
95–57–8	o-Chlorophenol.
	Phenol, 2-chloro-.
	2-Chlorophenol.
95–80–7	Benzenediamine, ar-methyl-.
	Toluenediamine.
	2,4-Toluene diamine.
95–94–3	Benzene, 1,2,4,5-tetrachloro-.
	1,2,4,5-Tetrachlorobenzene.
95–95–4	Phenol, 2,4,5-trichloro-.
	2,4,5-Trichlorophenol.
96–09–3	Styrene oxide.
96–12–8	Propane, 1,2-dibromo-3-chloro-.
	1,2-Dibromo-3-chloropropane.
96–45–7	Ethylenethiourea.
	2-Imidazolidinethione.
97–63–2	Ethyl methacrylate.
	2-Propenoic acid, 2-methyl-, ethyl ester.
98–01–1	Furfural.
	2-Furancarboxaldehyde.
98–07–7	Benzene, (trichloromethyl)-.
	Benzotrichloride.
98–09–9	Benzenesulfonic acid chloride.
	Benzenesulfonyl chloride.
98–82–8	Benzene, (1-methylethyl)-.
	Cumene.
98–86–2	Acetophenone.
	Ethanone, 1-phenyl-.
98–87–3	Benzal chloride.
	Benzene, (dichloromethyl)-.

CASRN	Hazardous substance
98–88–4	Benzoyl chloride.
98–95–3	Benzene, nitro-.
	Nitrobenzene.
99–08–1	m-Nitrotoluene.
99–35–4	Benzene, 1,3,5-trinitro-.
	1,3,5-Trinitrobenzene.
99–55–8	Benzenamine, 2-methyl-5-nitro-.
	5-Nitro-o-toluidine.
99–65–0	m-Dinitrobenzene.
99–99–0	p-Nitrotoluene.
100–01–6	Benzenamine, 4-nitro-.
	p-Nitroaniline.
100–02–7	p-Nitrophenol.
	Phenol, 4-nitro-.
	4-Nitrophenol.
100–25–4	p-Dinitrobenzene.
100–41–4	Ethylbenzene.
100–42–5	Styrene.
100–44–7	Benzene, (chloromethyl)-.
	Benzyl chloride.
100–47–0	Benzonitrile.
100–75–4	N-Nitrosopiperidine.
	Piperidine, 1-nitroso-.
101–14–4	Benzenamine, 4,4′-methylenebis[2-chloro-.
	4,4′-Methylenebis(2-chloroaniline).
101–27–9	Barban.
	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester.
101–55–3	Benzene, 1-bromo-4-phenoxy-.
	4-Bromophenyl phenyl ether.
101–68–8	MDI.
	Methylene diphenyl diisocyanate.
101–77–9	4,4′-Methylenedianiline.
103–85–5	Phenylthiourea.
	Thiourea, phenyl-.
105–46–4	sec-Butyl acetate.
105–67–9	Phenol, 2,4-dimethyl-.
	2,4-Dimethylphenol.
106–42–3	p-Xylene.
106–44–5	p-Cresol.
106–46–7	Benzene, 1,4-dichloro-.
	p-Dichlorobenzene.
	1,4-Dichlorobenzene.
106–47–8	Benzenamine, 4-chloro-.
	p-Chloroaniline.
106–49–0	Benzenamine, 4-methyl-.
	p-Toluidine.
106–50–3	p-Phenylenediamine.
106–51–4	p-Benzoquinone.
	2,5-Cyclohexadiene-1,4-dione.
	Quinone.
106–88–7	1,2-Epoxybutane.
106–89–8	1-Chloro-2,3-epoxypropane.
	Epichlorohydrin.
	Oxirane, (chloromethyl)-.
106–93–4	Dibromoethane.
	Ethane, 1,2-dibromo-.
	Ethylene dibromide.
106–94–5	1-Bromopropane (BP).
	n-Propyl bromide (nPB).
106–99–0	1,3-Butadiene.
107–02–8	Acrolein.
	2-Propenal.
107–05–1	Allyl chloride.
107–06–2	Ethane, 1,2-dichloro-.
	Ethylene dichloride.
	1,2-Dichloroethane.
107–10–8	n-Propylamine.
	1-Propanamine.
107–12–0	Ethyl cyanide.
	Propanenitrile.
107–13–1	Acrylonitrile.
	2-Propenenitrile.
107–15–3	Ethylenediamine.
107–18–6	Allyl alcohol.
	2-Propen-1-ol.
107–19–7	Propargyl alcohol.
	2-Propyn-1-ol.
107–20–0	Acetaldehyde, chloro-.
	Chloroacetaldehyde.
107–21–1	Ethylene glycol.
107–30–2	Chloromethyl methyl ether.
	Methane, chloromethoxy-.
107–49–3	Diphosphoric acid, tetraethyl ester.

CASRN	Hazardous substance
	Tetraethyl pyrophosphate.
107–92–6	Butyric acid.
108–05–4	Vinyl acetate.
	Vinyl acetate monomer.
108–10–1	Hexone.
	Methyl isobutyl ketone.
	4-Methyl-2-pentanone.
108–24–7	Acetic anhydride.
108–31–6	Maleic anhydride.
	2,5-Furandione.
108–38–3	m-Xylene.
108–39–4	m-Cresol.
108–46–3	Resorcinol.
	1,3-Benzenediol.
108–60–1	Dichloroisopropyl ether.
	Propane, 2,2″-oxybis[2-chloro-.
108–88–3	Benzene, methyl-.
	Toluene.
108–90–7	Benzene, chloro-.
	Chlorobenzene.
108–94–1	Cyclohexanone.
108–95–2	Phenol.
108–98–5	Benzenethiol.
	Thiophenol.
109–06–8	Pyridine, 2-methyl-.
	2-Picoline.
109–73–9	Butylamine.
109–77–3	Malononitrile.
	Propanedinitrile.
109–89–7	Diethylamine.
109–99–9	Furan, tetrahydro-.
	Tetrahydrofuran.
110–00–9	Furan.
	Furfuran.
110–16–7	Maleic acid.
110–17–8	Fumaric acid.
110–19–0	iso-Butyl acetate.
110–54–3	Hexane.
110–75–8	Ethene, (2-chloroethoxy)-.
	2-Chloroethyl vinyl ether.
110–80–5	Ethanol, 2-ethoxy-.
	Ethylene glycol monoethyl ether.
110–82–7	Benzene, hexahydro-.
	Cyclohexane.
110–86–1	Pyridine.
111–42–2	Diethanolamine.
111–44–4	Bis(2-chloroethyl) ether.
	Dichloroethyl ether.
	Ethane, 1,1′-oxybis[2-chloro-.
111–54–6	Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters.
	Ethylenebisdithiocarbamic acid, salts & esters.
111–91–1	Bis(2-chloroethoxy) methane.
	Dichloromethoxy ethane.
	Ethane, 1,1′-[methylenebis(oxy)]bis(2-chloro-.
114–26–1	Phenol, 2-(1-methylethoxy)-, methylcarbamate.
	Propoxur (Baygon).
115–02–6	Azaserine.
	L-Serine, diazoacetate (ester).
115–29–7	Endosulfan.
	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a- hexahydro-, 3-oxide.
115–32–2	Dicofol.
116–06–3	Aldicarb.
	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime.
117–80–6	Dichlone.
117–81–7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester.
	Bis(2-ethylhexyl)phthalate.
	DEHP.
	Diethylhexyl phthalate.
117–84–0	Di-n-octyl phthalate.
	1,2-Benzenedicarboxylic acid, dioctyl ester.
118–74–1	Benzene, hexachloro-.
	Hexachlorobenzene.
119–38–0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester.
	Isolan.
119–90–4	[1,1′-Biphenyl]-4,4′-diamine,3,3′-dimethoxy-.
	3,3′-Dimethoxybenzidine.
119–93–7	[1,1′-Biphenyl]-4,4′-diamine,3,3′- dimethyl-.
	3,3′-Dimethylbenzidine.
120–12–7	Anthracene.
120–58–1	Isosafrole.
	1,3-Benzodioxole, 5-(1-propenyl)-.
120–80–9	Catechol.
120–82–1	1,2,4-Trichlorobenzene.

CASRN	Hazardous substance
120–83–2	Phenol, 2,4-dichloro-.
	2,4-Dichlorophenol.
121–14–2	Benzene, 1-methyl-2,4-dinitro-.
	2,4-Dinitrotoluene.
121–21–1	Pyrethrins.
121–29–9	Pyrethrins.
121–44–8	Ethanamine, N,N-diethyl-.
	Triethylamine.
121–69–7	N,N-Dimethylaniline.
121–75–5	Malathion.
122–09–8	alpha,alpha-Dimethylphenethylamine.
	Benzeneethanamine, alpha,alpha-dimethyl-.
122–42–9	Carbamic acid, phenyl-, 1-methylethyl ester.
	Propham.
122–66–7	Hydrazine, 1,2-diphenyl-.
	1,2-Diphenylhydrazine.
123–31–9	Hydroquinone.
123–33–1	Maleic hydrazide.
	3,6-Pyridazinedione, 1,2-dihydro-.
123–38–6	Propionaldehyde.
123–62–6	Propionic anhydride.
123–63–7	Paraldehyde.
	1,3,5-Trioxane, 2,4,6-trimethyl-.
123–73–9	Crotonaldehyde.
	2-Butenal.
123–86–4	Butyl acetate.
123–91–1	1,4-Diethyleneoxide.
	1,4-Dioxane.
123–92–2	iso-Amyl acetate.
124–04–9	Adipic acid.
124–40–3	Dimethylamine.
	Methanamine, N-methyl-.
124–41–4	Sodium methylate.
124–48–1	Chlorodibromomethane.
126–72–7	Tris(2,3-dibromopropyl) phosphate.
	1-Propanol, 2,3-dibromo-, phosphate (3:1).
126–98–7	Methacrylonitrile.
	2-Propenenitrile, 2-methyl-.
126–99–8	Chloroprene.
127–18–4	Ethene, tetrachloro-.
	Perchloroethylene.
	Tetrachloroethylene.
127–82–2	Zinc phenolsulfonate.
129–00–0	Pyrene.
130–15–4	1,4-Naphthalenedione.
	1,4-Naphthoquinone.
131–11–3	Dimethyl phthalate.
	1,2-Benzenedicarboxylic acid, dimethyl ester.
131–74–8	Ammonium picrate.
	Phenol, 2,4,6-trinitro-, ammonium salt.
131–89–5	Phenol, 2-cyclohexyl-4,6-dinitro-.
	2-Cyclohexyl-4,6-dinitrophenol.
132–64–9	Dibenzofuran.
133–06–2	Captan.
133–90–4	Chloramben.
134–32–7	alpha-Naphthylamine.
	1-Naphthalenamine.
137–26–8	Thioperoxydicarbonic diamide ([H2N)C(S)]2S2, tetramethyl-.
	Thiram.
137–30–4	Zinc, bis(dimethylcarbamodithioato-S,S')-.
	Ziram.
140–88–5	Ethyl acrylate.
	2-Propenoic acid, ethyl ester.
141–78–6	Acetic acid, ethyl ester.
	Ethyl acetate.
142–28–9	1,3-Dichloropropane.
142–71–2	Cupric acetate.
142–84–7	Dipropylamine.
	1-Propanamine, N-propyl-.
143–33–9	Sodium cyanide Na(CN).
143–50–0	Kepone.
	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-.
145–73–3	Endothall.
	7-Oxabicyclo[221]heptane-2,3-dicarboxylic acid.
148–82–3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-.
	Melphalan.
151–50–8	Potassium cyanide K(CN).
151–56–4	Aziridine.
	Ethylenimine.
152–16–9	Diphosphoramide, octamethyl-.
	Octamethylpyrophosphoramide.
156–60–5	Ethene, 1,2-dichloro- (E).
	1,2-Dichloroethylene.

CASRN	Hazardous substance
156–62–7	Calcium cyanamide.
189–55–9	Benzo[rst]pentaphene.
	Dibenzo[a,i]pyrene.
191–24–2	Benzo[ghi]perylene.
193–39–5	Indeno(1,2,3-cd)pyrene.
205–99–2	Benzo[b]fluoranthene.
206–44–0	Fluoranthene.
207–08–9	Benzo(k)fluoranthene.
208–96–8	Acenaphthylene.
218–01–9	Chrysene.
225–51–4	Benz[c]acridine.
297–97–2	O,O-Diethyl O-pyrazinyl phosphorothioate.
	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester.
298–00–0	Methyl parathion.
	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester.
298–02–2	Phorate.
	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio) methyl] ester.
298–04–4	Disulfoton.
	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester.
300–76–5	Naled.
301–04–2	Acetic acid, lead(2 +) salt.
	Lead acetate.
302–01–2	Hydrazine.
303–34–4	Lasiocarpine.
	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*), 7aalpha]]-.
305–03–3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-.
	Chlorambucil.
309–00–2	Aldrin.
	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha, 8abeta)-.
311–45–5	Diethyl-p-nitrophenyl phosphate.
	Phosphoric acid, diethyl 4-nitrophenyl ester.
315–18–4	Mexacarbate.
	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester).
319–84–6	alpha—BHC.
319–85–7	beta—BHC.
319–86–8	delta—BHC.
329–71–5	2,5-Dinitrophenol.
330–54–1	Diuron.
333–41–5	Diazinon.
334–88–3	Diazomethane.
353–50–4	Carbon oxyfluoride.
	Carbonic difluoride.
357–57–3	Brucine.
	Strychnidin-10-one, 2,3-dimethoxy-.
460–19–5	Cyanogen.
	Ethanedinitrile.
463–58–1	Carbonyl sulfide.
465–73–6	Isodrin.
	1,4:5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta, 8abeta)-.
492–80–8	Auramine.
	Benzenamine, 4,4′-carbonimidoylbis[N,N-dimethyl-.
494–03–1	Chlornaphazine.
	Naphthalenamine, N,N′-bis(2-chloroethyl)-.
496–72–0	Benzenediamine, ar-methyl-.
	Toluenediamine.
	2,4-Toluene diamine.
504–24–5	4-Aminopyridine.
	4-Pyridinamine.
504–60–9	1-Methylbutadiene.
	1,3-Pentadiene.
506–61–6	Argentate(1-), bis(cyano-C)-, potassium.
	Potassium silver cyanide.
506–64–9	Silver cyanide Ag(CN).
506–68–3	Cyanogen bromide (CN)Br.
506–77–4	Cyanogen chloride (CN)Cl.
506–87–6	Ammonium carbonate.
506–96–7	Acetyl bromide.
509–14–8	Methane, tetranitro-.
	Tetranitromethane.
510–15–6	Benzeneacetic acid, 4-chloro-α- (4-chlorophenyl)-α-hydroxy-, ethyl ester.
	Chlorobenzilate.
513–49–5	sec-Butylamine.
528–29–0	o-Dinitrobenzene.
532–27–4	2-Chloroacetophenone.
534–52–1	4,6-Dinitro-o-cresol.
	4,6-Dinitro-o-cresol, and salts.
	Phenol, 2-methyl-4,6-dinitro-.
	Phenol, 2-methyl-4,6-dinitro-, & salts.
540–73–8	Hydrazine, 1,2-dimethyl-.
	1,2-Dimethylhydrazine.
540–84–1	2,2,4-Trimethylpentane.
540–88–5	tert-Butyl acetate.

CASRN	Hazardous substance
541–09–3	Uranyl acetate.
541–53–7	Dithiobiuret.
	Thioimidodicarbonic diamide $[(H_2 N)C(S)]_2$ NH.
541–73–1	Benzene, 1,3-dichloro-.
	m-Dichlorobenzene.
	1,3-Dichlorobenzene.
542–62–1	Barium cyanide.
542–75–6	1-Propene, 1,3-dichloro-.
	1,3-Dichloropropene.
542–76–7	Propanenitrile, 3-chloro-.
	3-Chloropropionitrile.
542–88–1	Bis(chloromethyl)ether.
	Dichloromethyl ether.
	Methane, oxybis(chloro-.
543–90–8	Cadmium acetate.
544–18–3	Cobaltous formate.
544–92–3	Copper cyanide Cu(CN).
554–84–7	m-Nitrophenol.
557–19–7	Nickel cyanide $Ni(CN)_2$.
557–21–1	Zinc cyanide $Zn(CN)_2$.
557–34–6	Zinc acetate.
557–41–5	Zinc formate.
563–12–2	Ethion.
563–68–8	Acetic acid, thallium(1 +) salt.
	Thallium(I) acetate.
573–56–8	2,6-Dinitrophenol.
584–84–9	Benzene, 1,3-diisocyanatomethyl-.
	Toluene diisocyanate.
	2,4-Toluene diisocyanate.
591–08–2	Acetamide, N-(aminothioxomethyl)-.
	1-Acetyl-2-thiourea.
592–01–8	Calcium cyanide $Ca(CN)_2$.
592–04–1	Mercuric cyanide.
592–85–8	Mercuric thiocyanate.
592–87–0	Lead thiocyanate.
593–60–2	Vinyl bromide.
594–42–3	Methanesulfenyl chloride, trichloro-.
	Trichloromethanesulfenyl chloride.
598–31–2	Bromoacetone.
	2-Propanone, 1-bromo-.
606–20–2	Benzene, 2-methyl-1,3-dinitro-.
	2,6-Dinitrotoluene.
608–73–1	HEXACHLOROCYCLOHEXANE (all isomers).
608–93–5	Benzene, pentachloro-.
	Pentachlorobenzene.
609–19–8	3,4,5-Trichlorophenol.
610–39–9	3,4-Dinitrotoluene.
615–53–2	Carbamic acid, methylnitroso-, ethyl ester.
	N-Nitroso-N-methylurethane.
621–64–7	Di-n-propylnitrosamine.
	1-Propanamine, N-nitroso-N-propyl-.
624–83–9	Methane, isocyanato-.
	Methyl isocyanate.
625–16–1	tert-Amyl acetate.
626–38–0	sec-Amyl acetate.
628–63–7	Amyl acetate.
628–86–4	Fulminic acid, mercury(2 +) salt.
	Mercury fulminate.
630–10–4	Selenourea.
630–20–6	Ethane, 1,1,1,2-tetrachloro-.
	1,1,1,2-Tetrachloroethane.
631–61–8	Ammonium acetate.
636–21–5	Benzenamine, 2-methyl-, hydrochloride.
	o-Toluidine hydrochloride.
640–19–7	Acetamide, 2-fluoro-.
	Fluoroacetamide.
644–64–4	Carbamic acid, dimethyl-,1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester.
	Dimetilan.
680–31–9	Hexamethylphosphoramide.
684–93–5	N-Nitroso-N-methylurea.
	Urea, N-methyl-N-nitroso-.
692–42–2	Arsine, diethyl-.
	Diethylarsine.
696–28–6	Arsonous dichloride, phenyl-.
	Dichlorophenylarsine.
757–58–4	Hexaethyl tetraphosphate.
	Tetraphosphoric acid, hexaethyl ester.
759–73–9	N-Nitroso-N-ethylurea.
	Urea, N-ethyl-N-nitroso-.
764–41–0	1,4-Dichloro-2-butene.
	2-Butene, 1,4-dichloro-.
765–34–4	Glycidylaldehyde.
	Oxiranecarboxyaldehyde.

CASRN	Hazardous substance
815–82–7	Cupric tartrate.
822–06–0	Hexamethylene-1,6-diisocyanate.
823–40–5	Benzenediamine, ar-methyl-.
	Toluenediamine.
	2,4-Toluene diamine.
924–16–3	N-Nitrosodi-n-butylamine.
	1-Butanamine, N-butyl-N-nitroso-.
930–55–2	N-Nitrosopyrrolidine.
	Pyrrolidine, 1-nitroso-.
933–75–5	2,3,6-Trichlorophenol.
933–78–8	2,3,5-Trichlorophenol.
959–98–8	alpha-Endosulfan.
1024–57–3	Heptachlor epoxide.
1031–07–8	Endosulfan sulfate.
1066–30–4	Chromic acetate.
1066–33–7	Ammonium bicarbonate.
1072–35–1	Lead stearate.
1111–78–0	Ammonium carbamate.
1116–54–7	Ethanol, 2,2′-(nitrosoimino)bis-.
	N-Nitrosodiethanolamine.
1120–71–4	1,2-Oxathiolane, 2,2-dioxide.
	1,3-Propane sultone.
1129–41–5	Carbamic acid, methyl-, 3-methylphenyl ester.
	Metolcarb.
1185–57–5	Ferric ammonium citrate.
1194–65–6	Dichlobenil.
1300–71–6	Xylenol.
1303–28–2	Arsenic oxide $As_2 O_5$.
	Arsenic pentoxide.
1303–33–9	Arsenic trisulfide.
1309–64–4	Antimony trioxide.
1310–58–3	Potassium hydroxide.
1310–73–2	Sodium hydroxide.
1314–32–5	Thallic oxide.
	Thallium oxide $Tl_2 O_3$.
1314–62–1	Vanadium oxide $V_2 O_5$.
	Vanadium pentoxide.
1314–80–3	Phosphorus pentasulfide.
	Phosphorus sulfide.
	Sulfur phosphide.
1314–84–7	Zinc phosphide $Zn_3 P_2$.
1314–87–0	Lead sulfide.
1319–72–8	2,4,5–T amines.
1319–77–3	Cresol (cresylic acid).
	Cresols (isomers and mixture).
	Cresylic acid (isomers and mixture).
	Phenol, methyl-.
1320–18–9	2,4–D Ester.
1321–12–6	Nitrotoluene.
1327–53–3	Arsenic oxide $As_2 O_3$.
	Arsenic trioxide.
1330–20–7	Benzene, dimethyl-.
	Xylene.
	Xylene (mixed).
	Xylenes (isomers and mixture).
1331–47–1	Dichlorobenzidine.
1332–07–6	Zinc borate.
1332–21–4	Asbestos.
1333–83–1	Sodium bifluoride.
1335–32–6	Lead subacetate.
	Lead, bis(acetato-O)tetrahydroxytri.
1336–21–6	Ammonium hydroxide.
1336–36–3	Aroclors.
	PCBs.
	POLYCHLORINATED BIPHENYLS.
1338–23–4	Methyl ethyl ketone peroxide.
	2-Butanone peroxide.
1338–24–5	Naphthenic acid.
1341–49–7	Ammonium bifluoride.
1464–53–5	1,2:3,4-Diepoxybutane.
	2,2′-Bioxirane.
1563–38–8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-.
	Carbofuran phenol.
1563–66–2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate.
	Carbofuran.
1582–09–8	Trifluralin.
1615–80–1	Hydrazine, 1,2-diethyl-.
	N,N′-Diethylhydrazine.
1634–04–4	Methyl tert-butyl ether.
1646–88–4	Aldicarb sulfone.
	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime.
1746–01–6	TCDD.
	2,3,7,8-Tetrachlorodibenzo-p-dioxin.

CASRN	Hazardous substance
1762–95–4	Ammonium thiocyanate.
1863–63–4	Ammonium benzoate.
1888–71–7	Hexachloropropene.
	1-Propene, 1,1,2,3,3,3-hexachloro-.
1918–00–9	Dicamba.
1928–38–7	2,4–D Ester.
1928–47–8	2,4,5–T Esters.
1928–61–6	2,4–D Ester.
1929–73–3	2,4–D Ester.
2008–46–0	2,4,5–T amines.
2032–65–7	Mercaptodimethur.
	Methiocarb.
	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate.
2303–16–4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester.
	Diallate.
2303–17–5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester.
	Triallate.
2312–35–8	Propargite.
2545–59–7	2,4,5–T esters.
2631–37–0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate.
	Promecarb.
2763–96–4	3(2H)-Isoxazolone, 5-(aminomethyl)-.
	5-(Aminomethyl)-3-isoxazolol.
2764–72–9	Diquat.
2921–88–2	Chlorpyrifos.
2944–67–4	Ferric ammonium oxalate.
2971–38–2	2,4–D Ester.
3012–65–5	Ammonium citrate, dibasic.
3164–29–2	Ammonium tartrate.
3165–93–3	Benzenamine, 4-chloro-2-methyl-, hydrochloride.
	4-Chloro-o-toluidine, hydrochloride.
3251–23–8	Cupric nitrate.
3288–58–2	O,O-Diethyl S-methyl dithiophosphate.
	Phosphorodithioic acid, O,O-diethyl S-methyl ester.
3486–35–9	Zinc carbonate.
3547–04–4	DDE.
3689–24–5	Tetraethyldithiopyrophosphate.
	Thiodiphosphoric acid, tetraethyl ester.
3813–14–7	2,4,5–T amines.
4170–30–3	Crotonaldehyde.
	2-Butenal.
4549–40–0	N-Nitrosomethylvinylamine.
	Vinylamine, N-methyl-N-nitroso-.
5103–71–9	Chlordane, alpha isomer.
5103–74–2	Chlordane, gamma isomer.
5344–82–1	Thiourea, (2-chlorophenyl)-.
	1-(o-Chlorophenyl)thiourea.
5952–26–1	Ethanol, 2,2'-oxybis-, dicarbamate.
	Diethylene glycol, dicarbamate.
5972–73–6	Ammonium oxalate.
6009–70–7	Ammonium oxalate.
6369–96–6	2,4,5–T amines.
6369–97–7	2,4,5–T amines.
6533–73–9	Carbonic acid, dithallium(1 +) salt.
	Thallium(I) carbonate.
7005–72–3	4-Chlorophenyl phenyl ether.
7421–93–4	Endrin aldehyde.
7428–48–0	Lead stearate.
7439–92–1	Lead.
7439–97–6	Mercury.
7440–02–0	Nickel.
7440–22–4	Silver.
7440–23–5	Sodium.
7440–28–0	Thallium.
7440–36–0	Antimony.
7440–38–2	Arsenic.
7440–41–7	Beryllium.
	Beryllium powder.
7440–43–9	Cadmium.
7440–47–3	Chromium.
7440–50–8	Copper.
7440–66–6	Zinc.
7446–08–4	Selenium dioxide.
	Selenium oxide.
7446–14–2	Lead sulfate.
7446–18–6	Sulfuric acid, dithallium(1 +) salt.
	Thallium(I) sulfate.
7446–27–7	Lead phosphate.
	Phosphoric acid, lead(2 +) salt (2:3).
7447–39–4	Cupric chloride.
7488–56–4	Selenium sulfide SeS2.
7550–45–0	Titanium tetrachloride.
7558–79–4	Sodium phosphate, dibasic.

CASRN	Hazardous substance
7601–54–9	Sodium phosphate, tribasic.
7631–89–2	Sodium arsenate.
7631–90–5	Sodium bisulfite.
7632–00–0	Sodium nitrite.
7645–25–2	Lead arsenate.
7646–85–7	Zinc chloride.
7647–01–0	Hydrochloric acid.
	Hydrogen chloride.
7647–18–9	Antimony pentachloride.
7664–38–2	Phosphoric acid.
7664–39–3	Hydrofluoric acid.
	Hydrogen fluoride.
7664–41–7	Ammonia.
7664–93–9	Sulfuric acid.
7681–49–4	Sodium fluoride.
7681–52–9	Sodium hypochlorite.
7697–37–2	Nitric acid.
7699–45–8	Zinc bromide.
7705–08–0	Ferric chloride.
7718–54–9	Nickel chloride.
7719–12–2	Phosphorus trichloride.
7720–78–7	Ferrous sulfate.
7722–64–7	Potassium permanganate.
7723–14–0	Phosphorus.
7733–02–0	Zinc sulfate.
7738–94–5	Chromic acid.
7758–94–3	Ferrous chloride.
7758–95–4	Lead chloride.
7758–98–7	Cupric sulfate.
7761–88–8	Silver nitrate.
7773–06–0	Ammonium sulfamate.
7775–11–3	Sodium chromate.
7778–39–4	Arsenic acid H_3 AsO_4.
7778–44–1	Calcium arsenate.
7778–50–9	Potassium bichromate.
7778–54–3	Calcium hypochlorite.
7779–86–4	Zinc hydrosulfite.
7779–88–6	Zinc nitrate.
7782–41–4	Fluorine.
7782–49–2	Selenium.
7782–50–5	Chlorine.
7782–63–0	Ferrous sulfate.
7782–82–3	Sodium selenite.
7782–86–7	Mercurous nitrate.
7783–00–8	Selenious acid.
7783–06–4	Hydrogen sulfide H_2S.
7783–35–9	Mercuric sulfate.
7783–46–2	Lead fluoride.
7783–49–5	Zinc fluoride.
7783–50–8	Ferric fluoride.
7783–56–4	Antimony trifluoride.
7784–34–1	Arsenic trichloride.
7784–40–9	Lead arsenate.
7784–41–0	Potassium arsenate.
7784–46–5	Sodium arsenite.
7786–34–7	Mevinphos.
7786–81–4	Nickel sulfate.
7787–47–5	Beryllium chloride.
7787–49–7	Beryllium fluoride.
7787–55–5	Beryllium nitrate.
7788–98–9	Ammonium chromate.
7789–00–6	Potassium chromate.
7789–06–2	Strontium chromate.
7789–09–5	Ammonium bichromate.
7789–42–6	Cadmium bromide.
7789–43–7	Cobaltous bromide.
7789–61–9	Antimony tribromide.
7790–94–5	Chlorosulfonic acid.
7791–12–0	Thallium chloride TlCl.
7803–51–2	Hydrogen phosphide.
	Phosphine.
7803–55–6	Ammonium vanadate.
	Vanadic acid, ammonium salt.
8001–35–2	Chlorinated camphene.
	Toxaphene.
8003–19–8	Dichloropropane—Dichloropropene (mixture).
8003–34–7	Pyrethrins.
8014–95–7	Sulfuric acid.
10022–70–5	Sodium hypochlorite.
10025–87–3	Phosphorus oxychloride.
10025–91–9	Antimony trichloride.
10026–11–6	Zirconium tetrachloride.
10028–22–5	Ferric sulfate.

CASRN	Hazardous substance
10031–59–1	Sulfuric acid, dithallium(1 +) salt.
	Thallium(I) sulfate.
10039–32–4	Sodium phosphate, dibasic.
10043–01–3	Aluminum sulfate.
10045–89–3	Ferrous ammonium sulfate.
10045–94–0	Mercuric nitrate.
10049–05–5	Chromous chloride.
10099–74–8	Lead nitrate.
10101–53–8	Chromic sulfate.
10101–63–0	Lead iodide.
10101–89–0	Sodium phosphate, tribasic.
10102–06–4	Uranyl nitrate.
10102–18–8	Sodium selenite.
10102–43–9	Nitric oxide.
	Nitrogen oxide NO.
10102–44–0	Nitrogen dioxide.
	Nitrogen oxide NO_2.
10102–45–1	Nitric acid, thallium(1 +) salt.
	Thallium(I) nitrate.
10102–48–4	Lead arsenate.
10108–64–2	Cadmium chloride.
10124–50–2	Potassium arsenite.
10140–65–5	Sodium phosphate, dibasic.
10192–30–0	Ammonium bisulfite.
10196–04–0	Ammonium sulfite.
10361–89–4	Sodium phosphate, tribasic.
10380–29–7	Cupric sulfate, ammoniated.
10415–75–5	Mercurous nitrate.
10421–48–4	Ferric nitrate.
10544–72–6	Nitrogen dioxide.
	Nitrogen oxide NO2.
10588–01–9	Sodium bichromate.
10605–21–7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester.
	Carbendazim.
11096–82–5	Aroclor 1260.
11097–69–1	Aroclor 1254.
11104–28–2	Aroclor 1221.
11141–16–5	Aroclor 1232.
12002–03–8	Cupric acetoarsenite.
12039–52–0	Selenious acid, dithallium(1 +) salt.
	Thallium (I) selenite.
12044–79–0	Arsenic disulfide.
12054–48–7	Nickel hydroxide.
12125–01–8	Ammonium fluoride.
12125–02–9	Ammonium chloride.
12135–76–1	Ammonium sulfide.
12672–29–6	Aroclor 1248.
12674–11–2	Aroclor 1016.
12771–08–3	Sulfur monochloride.
13463–39–3	Nickel carbonyl $Ni(CO)_4$, (T-4)-.
13560–99–1	2,4,5–T salts.
13597–99–4	Beryllium nitrate.
13746–89–9	Zirconium nitrate.
13765–19–0	Calcium chromate.
	Chromic acid H_2CrO_4, calcium salt.
13814–96–5	Lead fluoborate.
13826–83–0	Ammonium fluoborate.
13952–84–6	sec-Butylamine.
14017–41–5	Cobaltous sulfamate.
14216–75–2	Nickel nitrate.
14258–49–2	Ammonium oxalate.
14307–35–8	Lithium chromate.
14307–43–8	Ammonium tartrate.
14639–97–5	Zinc ammonium chloride.
14639–98–6	Zinc ammonium chloride.
14644–61–2	Zirconium sulfate.
15339–36–3	Manganese, bis(dimethylcarbamodithioato-S,S')-.
	Manganese dimethyldithiocarbamate.
15699–18–0	Nickel ammonium sulfate.
15739–80–7	Lead sulfate.
15950–66–0	2,3,4-Trichlorophenol.
16721–80–5	Sodium hydrosulfide.
16752–77–5	Ethanimidothioic acid, N-[[(methylamino)carbonyl] oxy]-, methyl ester.
	Methomyl.
16871–71–9	Zinc silicofluoride.
16919–19–0	Ammonium silicofluoride.
16923–95–8	Zirconium potassium fluoride.
17702–57–7	Formparanate.
	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]-.
17804–35–2	Benomyl.
	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester.
18883–66–4	D-Glucose, 2-deoxy-2[[(methylnitrosoamino)-carbonyl]amino]-.
	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-.

CASRN	Hazardous substance
	Streptozotocin.
20816–12–0	Osmium oxide OsO_4, (T-4)-.
	Osmium tetroxide.
20830–81–3	Daunomycin.
	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-.
20859–73–8	Aluminum phosphide.
22781–23–3	Bendiocarb.
	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate.
22961–82–6	Bendiocarb phenol.
	1,3-Benzodioxol-4-ol, 2,2-dimethyl-.
23135–22–0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester.
	Oxamyl.
23422–53–9	Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride.
	Formetanate hydrochloride.
23564–05–8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester.
	Thiophanate-methyl.
23950–58–5	Benzamide, 3,5-dichloro-N-(1,1- dimethyl-2-propynyl)-.
	Pronamide.
25154–54–5	Dinitrobenzene (mixed).
25154–55–6	Nitrophenol (mixed).
	Nitrophenols.
25155–30–0	Sodium dodecylbenzenesulfonate.
25167–82–2	Trichlorophenol.
25168–15–4	2,4,5–T esters.
25168–26–7	2,4–D Ester.
25321–14–6	Dinitrotoluene.
25321–22–6	Dichlorobenzene.
25376–45–8	Benzenediamine, ar-methyl-.
	Toluenediamine.
	2,4-Toluene diamine.
25550–58–7	Dinitrophenol.
26264–06–2	Calcium dodecylbenzenesulfonate.
26419–73–8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime.
	Tirpate.
26471–62–5	Benzene, 1,3-diisocyanatomethyl-.
	Toluene diisocyanate.
	2,4-Toluene diisocyanate.
26628–22–8	Sodium azide.
26638–19–7	Dichloropropane.
26952–23–8	Dichloropropene.
27176–87–0	Dodecylbenzenesulfonic acid.
27323–41–7	Triethanolamine dodecylbenzene sulfonate.
27774–13–6	Vanadyl sulfate.
28300–74–5	Antimony potassium tartrate.
30525–89–4	Paraformaldehyde.
30558–43–1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester.
	A2213.
32534–95–5	2,4,5–TP esters.
33213–65–9	beta—Endosulfan.
36478–76–9	Uranyl nitrate.
37211–05–5	Nickel chloride.
38622–18–3	Diphenylhydrazine.
39196–18–4	Thiofanox.
	2-Butanone, 3,3-dimethyl-1-(methylthio)-,O-[(methylamino)carbonyl] oxime.
42504–46–1	Isopropanolamine dodecylbenzenesulfonate.
52628–25–8	Zinc ammonium chloride.
52740–16–6	Calcium arsenite.
52888–80–9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester.
	Prosulfocarb.
53467–11–1	2,4–D Ester.
53469–21–9	Aroclor 1242.
55285–14–8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester.
	Carbosulfan.
55488–87–4	Ferric ammonium oxalate.
55671–32–4	Cupric oxalate.
56189–09–4	Lead stearate.
59669–26–0	Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester.
	Thiodicarb.
61792–07–2	2,4,5–T esters.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1426, 1452, and 1480

[DOI–2019–0012; 212D0102DM DS62500000 DLSN00000.000000 DX62501]

RIN 1090–AB21

Acquisition Regulations; Buy Indian Act; Procedures for Contracting

AGENCY: Assistant Secretary for Policy, Management and Budget, Interior.

ACTION: Final rule.

SUMMARY: This final rule revises the Department of the Interior's regulations implementing the Buy Indian Act, which provides the Department of Interior (DOI) with authority to set aside procurement contracts for Indian-owned and controlled businesses. These revisions eliminate barriers to Indian Economic Enterprises from competing on certain construction contracts, expand Indian Economic Enterprises' ability to subcontract construction work consistent with other socio-economic set-aside programs, and give greater preference to Indian Economic Enterprises when a deviation from the Buy Indian Act is necessary, among other updates.

DATES: This rule is effective May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Bell, Senior Small Business Specialist, Office of Small and Disadvantaged Small Business, Department of the Interior, 1849 C Street NW, Mail Stop 4214 MIB, Washington, DC 20240; telephone (202) 208–3458 or email *christopher_bell@ios.doi.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Department of the Interior Acquisition Regulations (DIAR) are in title 48, chapter 14 of the Code of Federal Regulations (48 CFR parts 1401–1499) and include regulations implementing the Buy Indian Act (25 U.S.C. 47, as amended). The Department recently reviewed the DIAR consistent with Executive Order (E.O.) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.* Interior has identified various aspects of parts 1426, 1452, and 1480 that are barriers to equal opportunity for Indians and Indian Tribes in the Interior procurement process. These barriers inhibit job creation, are ineffective at promoting maximum economic development in Indian Country, and limit Indian country from fully participating in Interior procurements subject to the Buy Indian Act.

This rule supplements the Federal Acquisition Regulation (FAR) and revises the DIAR. For this reason, the rule is issued by the Assistant Secretary for Policy, Management and Budget and follows the numbering system established by the FAR and DIAR. The DIAR was last revised in 2013 and included the addition of a new part 1480 to address acquisitions under the Buy Indian Act. *See* 78 FR 34266 (June 7, 2013).

II. Description of Final Rule

This rule revises the DIAR in the following ways, as explained below: Eliminate the restriction on Indian Economic Enterprises (IEE) from competing on ''covered'' construction contracts issued under the Buy Indian Act; expand IEEs' ability to subcontract work subject to the Buy Indian Act consistent with other government socio-economic set-aside programs; give greater preference to IEEs; update the process and thresholds for deviations; and clarify applicability.

A. Elimination of Restriction for ''Covered'' Construction Contracts

Interior's review of DIAR parts 1426, 1480, and 1452 identified changes in law that affect how Interior applies the *Andrus* v. *Glover Construction Co.* Supreme Court decision, 446 U.S. 608 (1980). The case has underpinned the current language of the DIAR part 1480, which restricts IEE set-asides to ''covered'' construction. Interior has determined that the underlying law upon which the case was decided has significantly changed since the case was decided in 1980. The decision references 41 U.S.C. 252, which was amended by The Deficit Reduction Act of 1984 (Pub. L. 98–369) and moved to 41 U.S.C. 253. Interior has reviewed 41 U.S.C 253 as currently codified (and now reclassified to 41 U.S.C. 3301 *et seq.* per Pub. L. 111–315) and has determined that the ''covered'' construction language in the regulation is no longer required by law. Interior has removed all references to ''covered'' construction throughout the regulation. Removal of this language allows for the set-aside of construction contracts to IEEs.

B. Expansion of Indian Economic Enterprises' Ability To Subcontract

Since Interior proposes to remove references to ''covered'' construction and allow IEEs to compete for all construction contracts, Interior has identified restrictions on IEEs that exceed restrictions in other government socio-economic set-aside programs. Currently, 48 CFR 1452.280–3 restricts the ability of IEEs from subcontracting more than 50% of the work to firms other than IEEs. This rule does not change the 50% subcontract limitation for supplies and services. However, the 50% limitation is currently not consistent with FAR clause 52.219–14 Limitation on Subcontracting which has different limitations for construction awards. This rule ensures that the 48 CFR 1452.280–3 clause is consistent with the FAR 52.219–14 clause. The change will allow IEEs to subcontract up to 75% for construction by special trade contractors and 85% for general construction. Consistency with FAR clause 52.219–14 ensures equal treatment of IEEs in Federal procurement and removes subcontracting barriers for IEEs.

C. Preference for Indian Small Business Economic Enterprises

The rule revises 48 CFR 1480.4 to clarify and simplify the preferences granted to IEEs under the Buy Indian Act. The current language of section 1480.403(b) directs Contracting Officers (CO) to solicit purchases as an unrestricted small business set-aside open to firms that are not Indian Small Business Economic Enterprises (ISBEE) when the CO determines two or more ISBEEs would not provide competitive offers and the CO has an approved deviation. This final rule deletes the existing language, because Interior has determined it is not fully compliant with the Buy Indian Act.

The revised section 1480.401(c) adds language that the CO will give priority to ISBEEs for all purchases subject to the Buy Indian Act. The current language of 1480.4 only gives preference to ISBEEs when the purchase is commercial or a simplified acquisition. Section 1480.401(d) adds language that if a CO determines that there is not a reasonable expectation of obtaining competitive offers, then the CO will give priority to IEEs. The updated language also allows sole source awards to an ISBEE or IEE authorized under the FAR to be compliant with the Buy Indian Act.

D. Updates to Thresholds and Process for Deviations

Interior has determined the existing deviation process at 48 CFR 1480.403 to be burdensome in implementation and not fully compliant with the Buy Indian Act. This final rule clarifies the deviation process by identifying acquisitions that do not require a deviation and streamlining the actions taken after a deviation is approved. As stated in section 1480.403(b) of the final rule, if a contract follows the requirements of FAR 6.3 or is subject to a previously approved deviation, the contract no longer requires an approved deviation. As stated in section 1480.403(f) of the final rule, acquisitions made under an authorized deviation from the Buy Indian Act must follow the FAR and DIAR unless specified otherwise.

Other changes to the deviation process include:

- Adding section 1480.403(a) which ensures sole source awards made to IEEs or ISBEEs comply with the requirements of the Buy Indian Act and do not require a deviation;
- Adding COs as authorized to approve deviations under $25,000 at section 1480.403(c);
- Updating deviation approval thresholds in section 1480.403(c) from $550,000 to $700,000 to be consistent with changes in FAR 6.304; and
- Adding ''one level above the CO'' to officials authorized to approve deviations for actions exceeding $25,000 but not exceeding $700,000 in section 1480.403(c).

E. Inapplicability to ISDEAA Contracts

The final rule removes language referencing the Indian Self Determination and Education Assistance Act (ISDEAA) (Pub. L. 93–638) in 48 CFR 1426.70 and 1480.504(b). Contracts issued under the authority of ISDEAA are not covered under the FAR and are codified separately under 25 CFR part 900. Since the contracts under ISDEAA are not a procurement action subject to the FAR and are separately codified, there is no need to address contracts subject to ISDEAA in the DIAR. This rule specifically removes 48 CFR 1426.70, 1452.226–70, 1452.226–71, and 1480.504(b) in their entirety and removes all other references to those sections.

III. Comments Received on the Proposed Rule

The Department published a proposed rule on October 27, 2021 (86 FR 59338), hosted a Tribal consultation session on December 1, 2021, and received 10 comments prior to the comment deadline on December 27, 2021. A substantial number of comments supported Interior's efforts to update these rules. A summary of the comments received, and Interior's responses and changes made to the rule as a result of those comments are provided here:

A. Summary and Analysis of Comments

1. Strong Support for the Rule

Comment: Most of the respondents strongly supported the proposed rule. Multiple respondents noted positive factors regarding this rule as follows:

- Removing the ''covered construction'' language in the rule;
- Decreasing subcontract limitations for construction contracts that conform to Small Business Administration (SBA) regulations for small and socio-economic businesses;
- Enhancing the preferences for Indian Small Business Economic Enterprises; and
- Streamlining and clarifying the process when deviation from the Buy Indian Act is necessary.

2. Comments and Responses

2A. Definitions

Comment 1: A commentor proposed that the definition of IEE at DIAR 1480.201 and 1452.280–2 be clarified to be consistent with the SBA regulation covering management and control of the business.

Response: Interior agrees that the definition of IEE at DIAR 1480.201 and 1452.280–2 covering management and control of the business should be revised to ensure consistency with SBA regulation. Consistency with SBA regulations ensures equal and consistent treatment of IEEs in Federal procurement and removes barriers for IEEs seeking SBA 8a program participation. Interior has revised the definition of IEE at DIAR 1480.201 and 1452.280–2 to be consistent with SBA's regulation at 13 CFR 124.109(c)(4).

Comment 2: A commenter suggested that to ensure control of the IEE that an Indian individual must possess both management and technical capabilities directly related to the primary industry in which the enterprise conducts business.

Response: This rule does not change the requirement that individual owners of an IEE possess the requisite management or technical capabilities to control the enterprise. Interior views the possession of either management capabilities or technical capabilities in the industry of the enterprise to be sufficient to control the management and daily business operations of the enterprise. This rule does add clarification on the requirement for management and control for Tribally owned Indian Economic Enterprises. See comment 3.

Comment 3: A commenter suggested adding Tribally owned entities not organized for profit into the definition of IEEs at DIAR 1480.201.

Response: The proposed rule removed ''that is established for the purpose of profit'' from the definition of IEE. This final rule also removes ''that is established for the purpose of profit'' from the definitions at DIAR 1452.280–2 and 1452.280–3. This final rule retains the definition of ISBEE at DIAR 1480.201. This rule language ensures consistency with Small Business Administration regulations concerning the definition of a small business at 13 CFR 121.105.

Comment 4: A commenter suggested that State recognized Tribes should be eligible as IEEs.

Response: This rule only covers Federally Recognized Tribes as listed on the Federally Recognized Tribe List most recent published February 1, 2019, in the **Federal Register** at 84 FR 1200 and as required by 25 U.S.C. 5131. The Federally Recognized Tribe List is list of all Indian Tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

2B. Preferences for IEEs and ISBEEs

Comment 1: During the Tribal Consultation a commenter asked if General Services Administration (GSA) schedule purchases would fall under the proposed rule's deviation process.

Response: The rule states at 1480.401(a) that ''IA must use the negotiation authority of the Buy Indian Act, 25 U.S.C. 47, to give preference to Indians whenever the use of that authority is authorized and practicable.'' Since GSA Schedules do not allow for a set-aside for IEE or ISBEEs, Interior COs purchasing under the Buy Indian Act may only utilize GSA Schedules when there is an approved deviation.

Comment 2: During the Tribal Consultation a commentor asked if the removal of covered construction language in the rule also applies to architect-engineering services and if Interior COs must still follow the procedures of FAR Part 36.6 Architect Engineering Services.

Response: Yes, the rule clarifies that Architect Engineering services are covered under the Buy Indian Act. This rule does not propose any changes to FAR 36.6 and Interior COs must still

follow the procedures for purchasing Architect Engineering services under the FAR.

Comment 3: A commentor suggested that the Department should consider expanding scope of acquisitions under Buy Indian Act to the maximum extent possible, including with respect to the definitions of ''supplies'' and ''general services''. The commentor specifically mentions adding printing.

Response: This rulemaking supplements the FAR and does not supersede the requirements of FAR 8.002 or 8.003 which specifies mandatory sources for certain supplies and services. DIAR 1480.401(a) states that supplies include ''printing, notwithstanding any other law specifically includes printing''. However, Interior must follow FAR 8.802(a) which states that ''Government printing must be done by or through the Government Printing Office'' unless an exception applies. FAR 8.802(a) implements the law as codified at 44 U.S.C 501. If an exception applied to a Interior printing acquisition covered by the by Buy Indian Act then the acquisition shall follow the procedures of DIAR 1480.

Comment 4: A commenter suggests establishing a certification program to verify that a company is Indian owned and controlled.

Response: This rule maintains the requirement that IEEs certify that the enterprise meets the definition at 1480.201. The provision at DIAR 1452.280–5 must be certified by the Enterprise prior to any award under the Buy Indian Act. No additional certification program is planned at this time. To strengthen oversight and reduce the potential for fraud and abuse this final rule updates the language at DIAR 1452.280–2(f)(2). The updated language requires a contractor to update the representations and certifications in the System for Award Management if the contractor no longer meets the requirements to be certified as an IEE.

Comment 5: A commentor suggesting eliminating the ''rule of two'' requirement or mandate that Contracting Officers extensively document their efforts to search for Indian vendors.

The proposed and final rule does not contain a ''rule of two'' requirement, see DIAR 1480.401(d).

Comment 6: A commenter suggests that the Secretary of Interior delegate Buy Indian procurement authority to other Interior bureaus and offices beyond the Department of Interior and Indian Health Service.

Response: Per DIAR 1480.402(b) ''The Secretary may delegate authority under the Buy Indian Act to a bureau or office within the Department of the Interior other than IA.'' The Secretary has already delegated authority through the Department Manual to allow Interior COs to utilize the Buy Indian Act procedures of DIAR 1480. This rulemaking only covers Department of Interior and Interior does not have authority to change the FAR.

2C Subcontract Limitations

Comment 1: A commentor suggested removing all subcontract limitations and allow subcontracting up to 100% of the value of the contract.

Response: This rule retains consistency with Small Business Administration limitations on subcontracting. The expansion of subcontracting to firms other than IEEs beyond the SBA limitations would not support development of competitive IEEs or maximize the employment of Indian Labor.

Comment 2: A commentor recommended that the Department consider providing technical assistance to ISBEEs when requested.

Response: Interior currently provides small business assistance to all small businesses as requested through the Office of Small and Disadvantaged Business Utilization.

2D Reporting and Transparency

Comment 1: Multiple commenters requested greater transparency and reporting on the use of Buy Indian contracting procedures at Interior and adherence to the requirements of the Indian Community Economic Enhancement Act (ICEEA).

Our Response: Indian Affairs is committed to giving preference to IEEs to the maximum extent practicable and continuously monitor the marketplace to identify IEEs that can perform Indian Affairs requirements. In Fiscal Year 2021 Indian Affairs has awarded over 59% to IEEs. Indian Affairs (IA) already reports on Buy Indian Act performance to Congress and will comply with all reporting requirements of the Indian Community Economic Enhancement Act. IA is committed to faithfully implementing the ICEEA requirement to harmonize the regulations implementing the Buy Indian Act. This final rule is one step in implementing ICEEA and IA will continue to coordinate with IHS. IA is interested in collaborating with the Tribes to provide more data and insight on how IA is meeting the requirements of the Buy Indian Act.

3. Comments Outside the Scope of the Rule

Comment 1: A commenter stated that the Indian Health Service's (IHS) proposed rulemaking did not engage in meaningful Tribal consultation.

Response: This rulemaking only covers the Department of Interior and is separate from the IHS rulemaking. As part of this rule-making we have followed Interior's Tribal consultation policy.

Comment 2: A commentor encouraged Interior to review Interior's surety bond guarantee authority and policies under 25 U.S.C 1497a and expand the use of the authority.

Response: This final rule does not change how surety bond guarantees are treated under DIAR 1480.602 nor does this rule alter or expand the authority under 25 U.S.C.1497a. However, the commentor noted the updated authority of the Indian Financing Act. The outdated reference to the Indian Financing Act at DIAR 1480.602 was corrected to 25 U.S.C. 1497a.

Comment 3: A commenter suggested that Interior should give preference to Tribal owned enterprises in Federal green products and Federal energy acquisitions.

Response: This rulemaking only covers Department of Interior and Interior does not have authority to change the FAR.

B. Final Rule Corrections

Correction 1: The final rule removes references to Bureau Procurement Chief at 1480.505 and Table 1 at 1480.403(c). Bureau Procurement Chief is no longer a term or position that exists at Interior. The IA Competition Advocate was added in place of the Bureau Procurement Chief to the Table 1 at 1480.403(c) as an official that may authorize a deviation when the Chief of the Contracting Office is absent.

Correction 2: Replaced the word ''investigate'' with ''review'' at DIAR 1480.802(d) to avoid confusion with legal proceedings.

Correction 3: Identified the Director as the official in the Office of Acquisition and Property Management that is responsible for challenges to representation under 1480.902 and appeals under DIAR 1480.903.

Correction 4: Updated notification delivery options at 1480.902(f) to be consistent with 1480.902(c)(2).

Correction 5: Updated various language at DIAR 1480.903 for clarity.

III. Required Determinations

1. *Regulatory Planning and Review (Executive Orders 12866 and 13563).*

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

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

2. *Regulatory Flexibility Act.* The Secretary certifies that the adoption of this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

3. *Small Business Regulatory Enforcement Fairness Act.* This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)). This rule does not have an annual effect on the economy of $100 million or more. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

4. *Unfunded Mandates Reform Act.* This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments, or the private sector nor does the rule impose requirements on State, local, or Tribal governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

5. *Takings (E.O. 12630).* This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

6. *Federalism (E.O. 13132).* Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. It does not substantially and directly affect the relationship between the Federal and State governments. A federalism summary impact statement is not required.

7. *Civil Justice Reform (E.O. 12988).* This rule complies with the requirements of E.O. 12988. Specifically, this rule (1) meets the criteria of section 3(a) of this E.O. requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (2) meets the criteria of section 3(b)(2) of this E.O. requiring that all regulations be written in clear language and contain clear legal standards.

8. *Consultation with Indian Tribes (E.O. 13175).* The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined there may be substantial direct effects on federally recognized Indian Tribes that will result from this rulemaking. The Department hosted Tribal consultation and has addressed the input received in Section II, above.

9. *Paperwork Reduction Act,* 44 U.S.C. 3501, *et seq.* This rule requires offerors to certify whether they met the definition of an ''Indian Economic Enterprise''. These statements are considered simple representations that an offeror submitted to support its claim for eligibility to participate in contract awards under the authority of the Buy Indian Act (25 U.S.C. 47, as amended). Because these statements are a simple certification or acknowledgment related to a transaction, they do not qualify as a collection of information under the Paperwork Reduction Act. *See* 5 CFR 1320.3(h).

10. *National Environmental Policy Act.* This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by the categorical exclusion listed in 43 CFR 46.210(c). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

11. *Effects on the Energy Supply (E.O. 13211).* This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

This action is taken pursuant to delegated authority.

List of Subjects in 48 CFR Parts 1426, 1452, and 1480

Government procurement, Indians, Indians—business and finance, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Interior amends chapter 14 of title 48 CFR as follows:

PART 1426—OTHER SOCIOECONOMIC PROGRAMS

■ 1. The authority citation for part 1426 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

Subpart 1426.70—[Removed and Reserved]

■ 2. Remove and reserve subpart 1426.70, consisting of sections 1426.7000 through 1426.7005.

PART 1452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 3. The authority citation for part 1452 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

Subpart 1452.2—Text of Provisions and Clauses

1452.226–70 and 1452.226–71 [Removed and Reserved]

■ 4. Remove and reserve sections 1452.226–70 and 1452.226–71.

■ 5. Revise sections 1452.280–1 through 1452.280–4 to read as follows:

1452.280–1 Notice of Indian Small Business Economic Enterprise set-aside.

As prescribed in 1480.503(e)(1), and in lieu of the requirements of FAR 19.508, insert the following provision in each written solicitation of offers to provide supplies, general services, A–E services, or construction. If the

solicitation is oral, information substantially identical to that contained in the provision must be given to potential offerors.

Notice of Indian Small Business Economic Enterprise Set-Aside (FEB 2021)

Under the Buy Indian Act, 25 U.S.C. 47, offers are solicited only from Indian Economic Enterprises (Subpart 1480.8) that are also small business concerns. Any acquisition resulting from this solicitation will be from such a concern. Offers received from enterprises that are not both Indian Economic Enterprises and small business concerns will not be considered and will be rejected.

(End of provision)

1452.280–2 Notice of Indian Economic Enterprise set-aside.

As prescribed in 1480.503(e)(2), insert the following clause in solicitations and contracts involving Indian Economic Enterprise set-asides. If the solicitation is oral, information substantially identical to that contained in the provision must be given to potential offerors.

Notice of Indian Economic Enterprise Set-Aside (FEB 2021)

(a) Definitions as used in this clause.

Alaska Native Claims Settlement Act (ANCSA) means Public Law 92–203 (December 18, 1971), 85 Stat. 688, codified at 43 U.S.C. 1601–1629h.

Indian means a person who is an enrolled member of a Federally Recognized Indian Tribe.

Indian Economic Enterprise means any business activity owned by one or more Indians or Federally Recognized Indian Tribes, provided that:

(i) The combined Indian or Federally Recognized Indian Tribe ownership of the enterprise shall constitute not less than 51 percent;

(ii) The Indians or Federally Recognized Indian Tribes shall, together, receive at least 51 percent of the earnings from the contract; and

(iii) The management and daily business operations of an Indian Economic Enterprise must be controlled by one or more individuals who are Indians. To ensure actual control over the enterprise, the individuals must possess requisite management or technical capabilities directly related to the primary industry in which the enterprise conducts business. Management of Tribally owned Indian Economic Enterprises may be provided by:

(A) Committees, teams, or Boards of Directors which are controlled by one or more members of Tribe, or;

(B) Non-Tribal members if the enterprise can demonstrate that the Tribe can hire and fire those individuals, that it will retain control of all management decisions common to Committees, teams, or Boards of Directors. Common management decisions, include strategic planning, budget approval, and the employment and compensation of officers. A written management development plan must also exist which shows how Tribal members will develop managerial skills sufficient to manage the enterprise or similar enterprises in the future.

The enterprise must meet the requirements of (i) through (iii) throughout the following time periods:

(1) At the time an offer is made in response to a written solicitation;

(2) At the time of contract award; and,

(3) During the full term of the contract.

Federally Recognized Indian Tribe means an Indian Tribe, band, nation, or other Federally recognized group or community on the List of Federally Recognized Tribes. This definition includes any Alaska Native regional or village corporation under the Alaska Native Claims Settlement Act (ANCSA).

List of Federally Recognized Tribes means an entity appearing on the United States Department of the Interior's List of federally recognized Indian Tribes published annually in the **Federal Register** pursuant to Section 104 of Public Law 103–454, codified at 25 U.S.C. 5131.

Representation means the positive statement by an enterprise of its eligibility for preferential consideration and participation for acquisitions conducted under the Buy Indian Act, 25 U.S.C. 47, in accordance with the procedures in Subpart 1480.8.

(b) General.

(1) Under the Buy Indian Act, offers are solicited only from Indian Economic Enterprises.

(2) The Contracting Officer (CO) will reject all offers received from ineligible enterprises.

(3) Any award resulting from this solicitation will be made to an Indian Economic Enterprise, as defined in paragraph (a) of this clause.

(c) Required Submissions. In response to this solicitation, an offeror must also provide the following:

(1) A description of the required percentage of the work/costs to be provided by the offeror over the contract term as required by section 1452.280–3, Subcontracting Limitations clause; and

(2) Qualifications of the key personnel (if any) that will be assigned to the contract.

(d) Required Assurance. The offeror must provide written assurance to the CO that the offeror is and will remain in compliance with the requirements of this clause. It must do this before the CO awards the Buy Indian contract and upon successful and timely completion of the contract, but before the CO accepts the work or product.

(e) Non-responsiveness. Failure to provide the information required by paragraphs (c) and (d) of this clause may cause the CO to find an offer non-responsive and reject it.

(f) Eligibility.

(1) Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (25 U.S.C. 47 note) does not render an Indian Economic Enterprise ineligible for contracts awarded under the Buy Indian Act.

(2) If a contractor no longer meets the definition of an Indian Economic Enterprise after award, the contractor must notify the CO immediately and in writing. The notification must include full disclosure of circumstances causing the contractor to lose eligibility status and a description of any actions that the contractor will take to regain eligibility. If the contract is unable to regain eligibility, then the contractor must revise its the representations and certifications in the System for Award Management. Failure to give the CO immediate written notification means that:

(i) The economic enterprise may be declared ineligible as an IEE for future contract awards under this part; and

(ii) The CO may consider termination for default if it is in the best interest of the government.

(End of clause)

1452.280–3 Indian Economic Enterprise subcontracting limitations.

A contractor shall not subcontract more than the subcontract limitations specified under FAR 52.219–14 to other than responsible Indian Economic Enterprises when receiving an award under the Buy Indian Act. For this purpose, work to be performed does not include the provision of materials, supplies, or equipment. As prescribed in 1480.503(e)(3), insert the following clause in each written solicitation or contract to provide supplies, general services, A–E services, or construction:

Indian Economic Enterprise Subcontracting Limitations (FEB 2021)

(a) Definitions as used in this clause.

(1) *Concern* means any business entity with a place of business located in the United States or its outlying areas and that makes a significant contribution to the U.S. economy through payment of taxes and/or use of American products, materials and/or labor, etc. It includes but is not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see FAR 19.101), it includes any business entity, whether or not it is organized for profit or located in the United States or its outlying areas.

(2) *Subcontract* means any agreement (other than one involving an employer-employee relationship) entered into by a government prime contractor or subcontractor calling for supplies and/or services required for performance of the contract, contract modification, or subcontract.

(3) *Subcontractor* means a concern to which a contractor subcontracts any work under the contract. It includes subcontractors at any tier who perform work on the contract.

(b) Required Percentages of work by the concern. The contractor must comply with FAR 52.219–14 Limitations on Subcontracting clause in allocating what percentage of work to subcontract. The contractor shall not subcontract work exceeding the subcontract limitations in FAR 52.219–14 to a concern other than a responsible Indian Economic Enterprise.

(c) Any work that an IEE subcontractor does not perform with its own employees shall be considered subcontracted work for the purpose of calculating percentages of subcontract work in accordance with FAR 52.219–14 Limitations on Subcontracting.

(d) Cooperation. The contractor must:

(1) Carry out the requirements of this clause to the fullest extent; and

(2) Cooperate in any study or survey that the CO, Indian Affairs, or its agents may conduct to verify the contractor's compliance with this clause.

(e) Incorporation in Subcontracts. The contractor must incorporate the substance of this clause, including this paragraph (e), in all subcontracts for supplies, general services, A–E services, and construction awarded under this contract.

1452.280–4 Indian Economic Enterprise representation.

As prescribed in 1480.503(e)(4), insert the following provision in each written solicitation for supplies, services, A–E, or construction:

Indian Economic Enterprise Representation (FEB 2021)

(a) The offeror represents as part of its offer that it [ ] does [ ] does not meet the definition of Indian Economic Enterprise (IEE) as defined in DIAR 1480.201 and that it intends to meet the definition of an IEE throughout the performance of the contract. The offeror must notify the contracting officer immediately in writing if there is any ownership change affecting compliance with this representation.

(b) Any false or misleading information submitted by an enterprise when submitting an offer in consideration for an award set aside under the Buy Indian Act is a violation of the law punishable under 18 U.S.C. 1001. False claims submitted as part of contract performance are subject to the penalties enumerated in 31 U.S.C. 3729 to 3731 and 18 U.S.C. 287.

(End of provision)

■ 6. Under the authority of 25 U.S.C. 9, revise subchapter H to read as follows:

Subchapter H—Buy Indian Act

PART 1480—ACQUISITIONS UNDER THE BUY INDIAN ACT

Subpart 1480.1—General

1480.101 Scope of part.
1480.102 Buy Indian Act acquisition regulations.

Subpart 1480.2—Definitions

1480.201 Definitions.

Subpart 1480.3—Applicability

1480.301 Scope of part.
1480.302 Restrictions on the use of the Buy Indian Act.

Subpart 1480.4—Policy

1480.401 Requirement to give preference to Indian Economic Enterprises.
1480.402 Delegations and responsibility.
1480.403 Deviations.

Subpart 1480.5—Procedures

1480.501 General.
1480.502 [Reserved]
1480.503 Procedures for acquisitions under the Buy Indian Act.
1480.504 Other circumstances for use of other than full and open competition.
1480.505 Debarment and suspension.

Subpart 1480.6—Contract Requirements

1480.601 Subcontracting limitations.
1480.602 Performance and payment bonds.

Subpart 1480.7—[Reserved]

Subpart 1480.8—Representation by an Indian Economic Enterprise Offeror

1480.801 General.
1480.802 Representation provision.
1480.803 Representation process.

Subpart 1480.9—Challenges to Representation

1480.901 General.
1480.902 Receipt of challenge.
1480.903 Award in the face of challenge.
1480.904 Challenge not timely.

Authority: 25 U.S.C. 47, as amended, 41 U.S.C. 253(c)(5), and 5 U.S.C. 301.

PART 1480—ACQUISITIONS UNDER THE BUY INDIAN ACT

Subpart 1480.1—General

1480.101 Scope of part.

This part implements policies and procedures for the procurement of supplies, general services, architect and engineering (A&E) services, or construction while giving preference to Indian Economic Enterprises under authority of the Buy Indian Act (25 U.S.C. 47).

1480.102 Buy Indian Act acquisition regulations.

(a) This part supplements Federal Acquisition Regulation (FAR) and Department of the Interior Acquisition Regulation (DIAR) requirements in this chapter to meet the needs of the Department of Interior in implementing the Buy Indian Act.

(b) This part is under the direct oversight and control of the Chief Financial Officer, within the Office of the Assistant Secretary—Indian Affairs, Department of the Interior (CFO). The CFO is responsible for issuing and implementing this part.

(c) Acquisitions conducted under this part are subject to all applicable requirements of the FAR and DIAR, as well as internal policies, procedures, or instructions issued by Indian Affairs. After the FAR, this part would take precedence over any inconsistent Indian Affairs policies, procedures, or instructions.

Subpart 1480.2—Definitions

1480.201 Definitions.

Alaska Native Claims Settlement Act (ANCSA) means Public Law 92–203 (December 18, 1971), 85 Stat. 688, codified at 43 U.S.C. 1601–1629h.

Buy Indian Act means section 23 of the Act of June 25, 1910, codified at 25 U.S.C. 47.

Contracting Officer (CO) means a person with the authority to enter into, administer, or terminate contracts and make related determinations and findings on behalf of the U.S. Government.

Deviation means an exception to the requirement to use the Buy Indian Act in fulfilling an acquisition requirement subject to the Buy Indian Act.

Fair market price means a price based on reasonable costs under normal competitive conditions and not on lowest possible cost, as determined in accordance with FAR 15.404–1(b).

Federally Recognized Indian Tribe means an Indian Tribe, band, nation, or other Federally recognized group or community on the List of Federally Recognized Tribes. This definition includes any Alaska Native regional or village corporation under the Alaska Native Claims Settlement Act (ANSCA).

Governing Body means the recognized entity empowered to exercise governmental authority over a Federally Recognized Indian Tribe.

Indian means a person who is an enrolled member of a Federally Recognized Indian Tribe.

Indian Affairs (IA) means all bureaus and offices under the Assistant Secretary—Indian Affairs.

Indian Economic Enterprise (IEE) means any business activity owned by one or more Indians or Federally Recognized Indian Tribes provided that:

(1) The combined Indian or Federally Recognized Indian Tribe ownership of the enterprise constitutes not less than 51 percent;

(2) The Indians or Federally Recognized Indian Tribes must, together, receive at least 51 percent of the earnings from the contract; and

(3) The management and daily business operations of an enterprise must be controlled by one or more individuals who are Indians. The Indian individual(s) must possess requisite management or technical capabilities directly related to the primary industry in which the enterprise conducts business. Management may be provided by:

(i) Committees, teams, or Boards of Directors which are controlled by one or more members of Tribe, or;

(ii) Non-Tribal members if the enterprise can demonstrate that the

Tribe can hire and fire those individuals, that it will retain control of all management decisions common to boards of directors, including strategic planning, budget approval, and the employment and compensation of officers, and that a written management development plan exists which shows how Tribal members will develop managerial skills sufficient to manage the enterprise or similar enterprises in the future.

Indian Small Business Economic Enterprise (ISBEE) means an IEE that is also a small business concern established in accordance with the criteria and size standards of 13 CFR part 121.

Interested Party means an IEE that is an actual or prospective offeror whose direct economic interest would be affected by the proposed or actual award of a particular contract set-aside pursuant the Buy Indian Act.

List of Federally Recognized Tribes means an entity appearing on the United States Department of the Interior's List of federally recognized Indian Tribes published annually in the **Federal Register** pursuant to Section 104 of Public Law 103–454, codified at 25 U.S.C. 5131.

Subpart 1480.3—Applicability

1480.301 Scope of part.

Except as provided in 1480.302, this part applies to all acquisitions, including simplified acquisitions, made by IA and by any other bureau or office of the Department of the Interior conducting acquisitions on behalf of IA or otherwise delegated the authority to conduct acquisitions under the Buy Indian Act.

1480.302 Restrictions on the use of the Buy Indian Act.

IA must not use the authority of the Buy Indian Act and the procedures contained in this part to award intergovernmental contracts to Tribal organizations to plan, operate, or administer authorized IA programs (or parts thereof) that are within the scope and intent of the Indian Self-Determination and Education Assistance Act (ISDEAA) (Pub. L. 93–638). IA must use the Buy Indian Act solely to award procurement contracts to IEEs. Contracts subject to ISDEAA must follow 25 CFR part 900.

Subpart 1480.4—Policy

1480.401 Requirement to give preference to Indian Economic Enterprises.

(a) IA must use the negotiation authority of the Buy Indian Act to give preference to Indians or Federally Recognized Tribes whenever the use of that authority is practicable. The Buy Indian Act provides that so far as may be practicable, Indian labor shall be employed, and purchases of the products (including, but not limited to printing, notwithstanding any other law) of Indian industry may be made in open market at the discretion of the Secretary of the Interior. Thus, IA may use the Buy Indian Act to give preference to IEEs through set-asides when acquiring supplies, general services, A&E services, or construction to meet IA needs and requirements. All other FAR and DIAR requirements that do not conflict with this part, such as requirements applicable to the acquisition of A&E and construction services, remain applicable.

(b) The Buy Indian Act does not apply when a supply requirement can be met by existing inventories of the requiring agency or excess from other agencies.

(c) The CO will give priority to ISBEEs for all purchases, regardless of dollar value. COs when prioritizing ISBEEs may consider either:

(1) A set-aside for ISBEEs; or

(2) A sole source award to an ISBEE, as authorized under the FAR.

(d) If the CO determines after market research that there is no reasonable expectation of obtaining offers that will be competitive in terms of market price, quality, and delivery, the CO may consider either:

(1) A set-aside for IEEs; or

(2) A sole source award to an IEE, as authorized under the FAR.

(e) If the CO determines after market research that there is no reasonable expectation of obtaining offers that will be competitive in terms of market price, quality, and delivery from ISBEEs or IEEs, then the CO must follow the Deviation process under 1480.403.

(f) When only one offer is received from a responsible IEE in response to an acquisition set-aside or direct negotiation under paragraph (c)(1) or (d)(1) of this section:

(1) If the offer is not at a reasonable and fair market price, then the CO may negotiate with that enterprise for a reasonable and fair market price.

(2) If the offer is at a reasonable and fair market price, then the CO must:

(i) Make an award to that enterprise;

(ii) Document the reason only one offer was considered; and

(iii) Initiate action to increase competition in future solicitations.

(g) If the offers received from one or more responsible IEEs in response to an acquisition set-aside under paragraph (c)(1) or (d)(1) of this section are not reasonable or otherwise unacceptable, then the CO must follow the deviation process under 1480.403. The CO must document in the deviation determination the reasons why the IEE offeror(s) were not reasonable or otherwise unacceptable.

(1) If a deviation determination is approved, the CO must cancel the set-aside solicitation and inform all offerors in writing.

(2) When the solicitation of the same requirement is posted, the CO must inform all previous offerors in writing of the solicitation number.

1480.402 Delegations and responsibility.

(a) The Secretary has delegated authority under the Buy Indian Act to the Assistant Secretary—Indian Affairs. IA exercises this authority in support of its mission and program activities and as a means of fostering Indian employment and economic development.

(b) The Secretary may delegate authority under the Buy Indian Act to a bureau or office within the Department of the Interior other than IA.

(c) The Chief Financial Officer of The Office of the Assistant Secretary—Indian Affairs is responsible for ensuring that all IA acquisitions under the Buy Indian Act comply with the requirements of this part.

1480.403 Deviations.

There are certain instances where the application of the Buy Indian Act to an acquisition may not be appropriate. In these instances, the Contracting Officer must detail the reasons in writing and make a deviation determination.

(a) Sole source acquisitions awarded to an ISBEE or IEE under 1480.401(c)(2) or (d)(2) do not require a deviation determination and comply with the requirements of the Buy Indian Act.

(b) Some acquisitions by their very nature would make such a written determination unnecessary. The following acquisitions do not require a written deviation from the requirements of the Buy Indian Act:

(1) Any sole source acquisition justified and approved in accordance with FAR 6.3 and DIAR 1406.3 constitutes an authorized deviation from the requirements of the Buy Indian Act.

(2) Any order or call placed against an indefinite delivery vehicle that already has an approved deviation from the requirements of the Buy Indian Act.

(c) Deviation determinations are required for all other acquisitions where the Buy Indian Act is applicable and must be approved as follows:

TABLE 1 TO PARAGRAPH (c)

For a proposed contract action	The following official may authorize a deviation
Up to $25,000	CO.
Exceeding $25,000 but not exceeding $700,000	One level above the CO or Chief of the Contracting Office (CCO) (or the IA Competition Advocate, absent a CCO).
Exceeding $700,000 but not exceeding $13.5 million.	IA Competition Advocate.
Exceeding $13.5 million but not exceeding $57 million.	The Head of the Contracting Activity or a designee who is a civilian serving in a position in a grade above GS–15 under the General Schedule or in a comparable or higher position under another schedule.
Exceeding $57 million	Department of the Interior Senior Procurement Executive.

(d) Deviations may be authorized prior to issuing the solicitation when the CO makes the following determinations and takes the following actions:

(1) The CO determines after market research that there is no reasonable expectation of obtaining offers that will be competitive in terms of market price, quality, and delivery from two or more responsible ISBEE, IEEs, or direct negotiation with an IEE that is a certified 8a business.

(2) The deviation determination is authorized by the official listed at 1480.403(c) for the applicable contract action.

(e) If a deviation determination has been approved, the CO must follow the FAR and DIAR unless specified otherwise.

(f) Acquisitions made under an authorized deviation from the requirements of the Buy Indian Act must be made in conformance with the order of precedence required by FAR 8.002.

Subpart 1480.5—Procedures

1480.501 General.

All acquisitions made in accordance with this part, including simplified or commercial item acquisitions, must conform to all applicable requirements of the FAR and DIAR.

1480.502 [Reserved]

1480.503 Procedures for acquisitions under the Buy Indian Act.

(a) Commercial items or simplified acquisitions under this section must conform to the competition and price reasonableness documentation requirements of FAR 12.209 for commercial item acquisitions and FAR 13.106 for simplified acquisitions.

(b) When acquiring construction services, solicit proposals and evaluate potential contractors in accordance with FAR part 36 and DIAR subpart 1436.2.

(c) When acquiring A&E services, solicit proposals and evaluate potential contractors in accordance with FAR part 36 and DIAR subpart 1436.6.

(d) This paragraph (d) applies to solicitations that are not restricted to participation of IEEs.

(1) If an interested IEE is identified after a solicitation has been issued, but before the date established for receipt of offers, the contracting office must provide a copy of the solicitation to this enterprise. In this case, the CO:

(i) Will not give preference under the Buy Indian Act to the IEE; and

(ii) May extend the date for receipt of offers when practical.

(2) If more than one IEE is identified subsequent to the solicitation, but prior to the date established for receipt of offers, the CO may cancel the solicitation and re-compete it as an IEE set-aside.

(e) This paragraph (e) lists the clauses and provisions that must be inserted.

(1) Insert the clause at 1452.280–1, Notice of Indian Small Business Economic Enterprise set-aside, in accordance with 1480.401(c).

(2) Insert the clause at 1452.280–2, Notice of Indian Economic Enterprise set-aside, in accordance with 1480.401(d).

(3) Insert the clause at 1452.280–3, Indian Economic Enterprise subcontracting limitations, in accordance with 1480.601(b).

(4) Insert the clause at 1452.280–4, Indian Economic Enterprise representation, in accordance with 1480.801(a).

1480.504 Other circumstances for use of other than full and open competition.

(a) Other circumstances may exist where the use of an IEE set-aside in accordance with 1480.401(a) and FAR 6.302–5 is not feasible. In such situations, the requirements of FAR subparts 6.3 and 13.5 and DIAR subpart 1406.3 apply in justifying the use of the appropriate authority for other than full and open competition.

(b) Except as provided in FAR 5.202, all proposed acquisition actions must first be publicized in accordance with the requirements of FAR 5.2 and DIAR 1405.2.

(c) Justifications for use of other than full and open competition in accordance with this section must be approved in accordance with DIAR part 1406. These approvals are required for a proposed contract or for an out of scope modification to an existing contract.

1480.505 Debarment and suspension.

A misrepresentation by an offeror of its status as an IEE, failure to notify the CO of any change in IEE status that would make the contractor ineligible as an IEE, or any violation of the regulations in this part by an offeror or an awardee may be cause for debarment or suspension in accordance with FAR 9.406 and 9.407 and DIAR 1409.406 and 1409.407. IA must refer recommendations for debarment or suspension to the Director, Office of Acquisition and Property Management, Department of the Interior, in accordance with DIAR 1409.406 and 1409.407, through the Head of the Contracting Activity.

Subpart 1480.6—Contract Requirements

1480.601 Subcontracting limitations.

(a) In contracts awarded under the Buy Indian Act and this part, the CO must insert the clause FAR 52.219–14, Limitations on Subcontracting.

(b) The CO must also insert the clause at 1452.280–3, Indian Economic Enterprise subcontracting limitations, in all awards to ISBEEs and IEEs pursuant this part.

1480.602 Performance and payment bonds.

Solicitations requiring performance and payment bonds must conform to FAR part 28 and may authorize use of any of the types of security acceptable in accordance with FAR subpart 28.2 or 25 U.S.C. 1497a. In accordance with FAR 28.102 and 25 U.S.C. 47a, the CO may accept alternative forms of security in lieu of performance and payment bonds if a determination is made that such forms of security provide the

Government with adequate security for performance and payment.

Subpart 1480.7—[Reserved]

Subpart 1480.8—Representation by an Indian Economic Enterprise Offeror

1480.801 General.

(a) The CO must insert the provision at 1452.280–4, Indian Economic Enterprise representation, in all solicitations regardless of dollar value solicited under 1480.401(c) or (d) and in accordance with this part.

(b) To be considered for an award under 1480.401(c) or (d), an offeror must certify that it meets the definition of ''Indian Economic Enterprise'' (as defined in 1480.201) in response to a specific solicitation set-aside in accordance with the Buy Indian Act and this part; and

(c) The enterprise must meet the definition of ''Indian Economic Enterprise'' throughout the following time periods:

(1) At the time an offer is made in response to a solicitation;

(2) At the time of contract award; and

(3) During the full term of the contract.

(d) If, after award, a contractor no longer meets the eligibility requirements as it has certified and as set forth in this section, then the contractor must provide the CO with written notification within 3 days of its failure to comply with the eligibility requirements. The notification must include:

(1) Full disclosure of circumstances causing the contractor to lose eligibility status; and

(2) A description of actions, if any, that must be taken to regain eligibility.

(e) Failure to provide written notification required by paragraph (d) of this section means that:

(1) The economic enterprise may be declared ineligible as an IEE for future contract awards under this part; and

(2) The CO may consider termination for default if it is determined to be in the best interest of the Government.

(f) A CO will review the representation if an interested party challenges the IEE representation or if the CO has any other reason to question the representation. The CO may ask the offeror for more information to substantiate the representation. Challenges of and questions concerning a specific representation must be referred to the CO or CCO in accordance with subpart 1480.9.

(g) Participation in the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (25 U.S.C. 47 note) does not render an IEE ineligible for contracts awarded under the Buy Indian Act.

1480.802 Representation provision.

(a) Contracting offices must provide copies of the IEE representation to any interested parties upon written request.

(b) The submission of a Solicitation Mailing List Application by an enterprise does not remove the requirement for it to provide representation as an IEE, as required by this part, if it wishes to be considered as an offeror for a specific solicitation. COs may determine the validity of the contents of the applicant's representation.

(c) Any false or misleading information submitted by an enterprise when submitting an offer in consideration for an award set aside under the Buy Indian Act is a violation of the law punishable under 18 U.S.C. 1001. False claims submitted as part of contract performance are subject to the penalties enumerated in 31 U.S.C. 3729 to 3731 and 18 U.S.C. 287.

(d) The CO will review and refer to the appropriate officials all IEE misrepresentation by an offeror or failure to provide written notification of a change in IEE eligibility.

1480.803 Representation process.

(a) Only IEEs may participate in acquisitions set aside in accordance with the Buy Indian Act and this part. These procedures support responsible IEEs and prevent circumvention or abuse of the Buy Indian Act.

(b) Eligibility is based on information furnished by the enterprise to a CO in the IEE representation at DIAR 1452.280–4 in response to a specific solicitation under the Buy Indian Act.

(c) The CO may ask the appropriate Regional Solicitor to review the enterprise's representation.

(d) The CO may also request the Office of the Inspector General (on Form DI–1902 as part of a normal pre-award audit) to assist in determining the eligibility of the low responsive and responsible offerors on Buy Indian Act awards.

(e) The IEE representation does not relieve the CO of the obligation for determining contractor responsibility, as required by FAR subpart 9.1.

Subpart 1480.9—Challenges to Representation

1480.901 General.

(a) The CO can accept an offeror's written representation of being an IEE (as defined in 1480.201) only when it is submitted with an offer in response to a solicitation under the Buy Indian Act. Another interested party may challenge the representation of an offeror or contractor by filing a written challenge to the applicable CO in accordance with the procedures in 1480.902.

(b) After receipt of offers, the CO may question the representation of any offeror in a specific offer by filing a formal objection with the CCO.

1480.902 Receipt of challenge.

(a) An interested party must file any challenges against an offeror's representation with the cognizant CO.

(b) The challenge must be in writing and must contain the basis for the challenge with accurate, complete, specific, and detailed evidence. The evidence must support the allegation that the offeror fails to meet the definition of ''Indian Economic Enterprise'' or ''Indian Small Business Economic Enterprise'' as defined in 1480.201 or is otherwise ineligible. The CO will dismiss any challenge that is deemed frivolous or that does not meet the conditions in this section.

(c) To be considered timely, a challenge must be received by the CO no later than 10 days after the basis of challenge is known or should have been known, whichever is earlier.

(1) A challenge may be made orally if it is confirmed in writing within the 10-day period after the basis of challenge is known or should have been known, whichever is earlier.

(2) A written challenge may be delivered by hand, telefax, telegram, email, or letter postmarked within the 10-day period after the basis of challenge is known or should have been known, whichever is earlier.

(3) A CO's challenge to a certification is always considered timely, whether filed before or after award.

(d) Upon receiving a timely challenge, the CO must:

(1) Notify the challenger of the date it was received, and that the representation of the enterprise being challenged is under consideration; and

(2) Furnish to the offeror (whose representation is being challenged) a request to provide detailed information on its eligibility by certified mail, return receipt requested or electronic mail.

(e) Within 3 days after receiving a copy of the challenge and the CO's request for detailed information, the challenged offeror must file, as specified at paragraph (d)(2) of this section, with the CO a complete statement answering the allegations in the challenge and furnish evidence to support its position on representation. If the offeror does not submit the required material within the 3 days, or another period of time

granted by the CO, the CO may assume that the offeror does not intend to dispute the challenge and must not award to the challenged offeror.

(f) Within 10 days after receiving a challenge, the challenged offeror's response, and any other pertinent information, the CO must determine the representation status of the challenged offeror and notify the challenger and the challenged offeror of the decision by certified mail, return receipt requested, or by other expeditious means including by hand, email, telefax, or telegraph if actual delivery can be shown, and make known to all parties the option to appeal the determination to the Director, Office of Acquisition and Property Management, Department of the Interior (PAM).

(g) If the representation accompanying an offer is challenged and subsequently upheld by the Director of PAM, the written notification of this action must state the reason(s).

1480.903 Award in the face of challenge.

(a) Award of a contract in the face of challenge may be made on the basis of the CO's written determination that the challenged offeror's representation is valid.

(1) This determination of validity is final unless it is appealed to the Director of PAM and the CO is notified of the appeal before making award.

(2) If an award was made before the CO received notice of appeal, the award is presumed to be valid.

(b) After receiving a challenge involving an offeror being considered for award, the CO must not award the contract until the CO has determined the validity of the representation. Award may be made in the face of a timely challenge when the CO determines in writing that an award must be made to protect the public interest, is urgently required, or a prompt award will otherwise be advantageous to the Government.

(c) If a timely challenge on representation is filed with the CO and received before award in response to a specific offer and solicitation, the CO must notify eligible offerors within one day that the solicitation will not be awarded due to a pending challenge. The CO also may ask eligible offerors to extend the period for acceptance of their proposals.

(d) If a challenge on representation is filed with the CO and received after award in response to a specific offer and solicitation, the CO need not suspend contract performance or terminate the awarded contract unless the CO believes that an award may be invalidated and a delay would prejudice the Government's interest. However, if contract performance is to be suspended or terminated, a mutual no cost agreement will be sought.

1480.904 Challenge not timely.

If a CO receives an untimely filed challenge of a representation, the CO must notify the challenger that the challenge cannot be considered on the instant acquisition but will be considered in any future actions. However, the CO may question at any time, before or after award, the representation of an IEE.

Joan M. Mooney,

Principal Deputy Assistant Secretary, Policy, Management and Budget.

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Proposed Rules

Federal Register
Vol. 87, No. 68
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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.

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1022

[Docket No. CFPB–2022–0023]

RIN 3170–AB12

Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking (Regulation V)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule.

SUMMARY: The Consumer Financial Protection Bureau (Bureau) seeks comment on regulations implementing amendments to the Fair Credit Reporting Act (FCRA) that assist consumers who are victims of trafficking. The proposed rule, which would implement a recent amendment to the FCRA, would establish a method for a victim of trafficking to submit documentation to consumer reporting agencies, including information identifying any adverse item of information about the consumer that resulted from certain types of human trafficking, and prohibit the consumer reporting agencies from furnishing a consumer report containing the adverse item(s) of information. The Bureau is taking this action as mandated by the National Defense Authorization Act for Fiscal Year 2022 and to assist consumers who are victims of trafficking in building or rebuilding financial stability and personal independence.

DATES: Comments on the proposed rule must be received on or before May 9, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2022–0023 or RIN 3170–AB12, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2022-NPRM-FCRATrafficking@cfpb.gov.* Include Docket No. CFPB–2022–0023 or RIN 3170–AB12 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake—FCRA Trafficking, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID–19 pandemic, the Bureau discourages the submission of comments by hand delivery, mail, or courier.

Instructions: The Bureau encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, comments received will be posted without change to *https://www.regulations.gov.* In addition, once the Bureau's headquarters reopens, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. At that time, you can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Daniel Tingley, Counsel, or Lanique Eubanks, Senior Counsel, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Proposed Rule

The Bureau is proposing several amendments to Regulation V to implement new section 605C of the Fair Credit Reporting Act (FCRA),[1] added by the National Defense Authorization Act for Fiscal Year 2022 (2022 NDAA).[2] In brief, section 605C provides that a consumer reporting agency may not furnish a consumer report containing any adverse item of information concerning a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.[3] Under section 605C, the Bureau is required to issue implementing regulations within 180 days of the enactment of the 2022 NDAA. Section 605C is effective 30 days after the Bureau issues its final implementing regulations.

The Bureau is proposing to amend Regulation V as follows:

- Create a new section in subpart O, the subpart on miscellaneous duties of consumer reporting agencies, to add the provisions implementing section 605C of the FCRA;
- Apply the proposed regulations to any ''consumer reporting agency'' as defined in section 603(f) of the FCRA, namely nationwide consumer reporting agencies, nationwide specialty consumer reporting agencies, and all other consumer reporting agencies;
- Define terms including, in particular, ''trafficking documentation,'' ''severe forms of trafficking in persons,'' ''sex trafficking,'' and ''victim of trafficking''; and
- Establish procedures for implementation of the new prohibition, including establishing how affected consumers should submit the required documentation to consumer reporting agencies and recordkeeping requirements to ensure compliance.

[1] Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*

[2] National Defense Authorization Act for Fiscal Year 2022 (2022 NDAA), Public Law 117–81, section 6102, 135 Stat. 2383–84 (2021) (to be codified at 15 U.S.C. 1681c–3), *https://www.congress.gov/117/plaws/publ81/PLAW-117publ81.pdf* (last visited Mar. 28, 2022). The sponsors of this section of the 2022 NDAA and some advocates refer to this law as the ''Debt Bondage Repair Act,'' in reference to H.R. 2332 (introduced in the 117th Cong. on Apr. 1, 2021).

[3] For purposes of this rule, the terms ''severe forms of trafficking in persons'' and ''sex trafficking'' will be referred to individually (as defined in the Section-by-Section Analysis of section 1022.142(b)) or collectively as ''trafficking.''

II. Background

A. Introduction

According to the United States Department of State, in the United States human traffickers compel victims to engage in commercial sex and to work in legal and non-legal industries and sectors, including, for example, agriculture, janitorial services, construction, landscaping, restaurants, factories, child care, care for persons with disabilities, domestic work, salon services, massage parlors, peddling and begging, and drug smuggling and distribution.[4] As the State Department has noted, it is difficult to find reliable statistics related to human trafficking for a number of reasons, including the hidden nature of the crime and barriers to identifying victims of trafficking and sharing information about them.[5]

U.S. Government efforts to respond to the needs of victims of trafficking recognize that victims need both immediate and longer-term services, including services to improve financial stability to support their long-term independence.[6] Accurate consumer reporting that does not disadvantage victims [7] with adverse information resulting from them having been trafficked is critical to the ability of victims to be able to take basic steps such as obtaining housing and employment and to move toward greater financial stability and independence.

B. The Fair Credit Reporting Act

The FCRA, enacted in 1970 and significantly amended in 1996, 2003, 2010, and 2018, regulates consumer reporting. It was enacted to protect consumers by preventing the transmission of inaccurate information in consumer reports and establishing confidential and responsible credit reporting practices.[8] The FCRA's statutory scheme was designed to ensure that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce in a manner which is fair and equitable to consumers and protects the confidentiality, accuracy, relevancy, and proper utilization of consumer information.[9]

Together with its implementing regulation, Regulation V,[10] the FCRA creates a regulatory framework for furnishing, using, and disclosing information in reports associated with credit, insurance, employment, and other decisions made about consumers. In doing so, the FCRA and Regulation V impose obligations on entities that qualify as ''consumer reporting agencies.'' They also impose obligations on those who use consumer report information or furnish information to consumer reporting agencies (furnishers).

C. The National Defense Authorization Act for Fiscal Year 2022

Section 6102 of the 2022 NDAA amended the FCRA by inserting a new section 605C, which provides at section 605C(b) that a consumer reporting agency may not furnish a consumer report containing any adverse item of information concerning a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency. As described in more detail in the Section-by-Section Analysis parts of this proposed rule, section 605C(a) provides statutory definitions for a number of the terms used therein. Section 605C(c)(1) directs the Bureau to issue implementing rules within 180 days of enactment, and section 605C(c)(2) mandates that the rules must establish a method by which consumers must submit trafficking documentation to consumer reporting agencies.

III. Legal Authority

The Bureau is issuing this proposal pursuant to its authority under the FCRA, the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[11] and section 6102 of the 2022 NDAA.

A. Dodd-Frank Act Section 1022(b) and the FCRA

Section 1022(b)(1) of the Dodd-Frank Act authorizes the Bureau to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.[12] Effective July 21, 2011, section 1061 of the Dodd-Frank Act transferred to the Bureau the rulemaking and certain other authorities of the Federal Trade Commission (FTC) and the prudential banking regulators (*i.e.,* the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), and the Office of the Comptroller of the Currency (OCC)) relating to specific ''enumerated consumer laws'' listed in the Dodd-Frank Act, including most rulemaking authority under the FCRA.[13] Likewise, section 1088 of the Dodd-Frank Act made conforming amendments to the FCRA, transferring rulemaking authority under much of the FCRA to the Bureau.[14] As amended by the Dodd-Frank Act, section 621(e) of the FCRA authorizes the Bureau to issue regulations as may be necessary or appropriate to administer and carry out the purposes and objectives of the FCRA, and to prevent evasions thereof or to facilitate compliance therewith.[15] The Bureau is issuing this proposed rule pursuant to its authority under section 1022(b)(1) of the Dodd-Frank Act and section 621(e) of the FCRA.

B. The National Defense Authorization Act for Fiscal Year 2022

Section 6102(a) of the 2022 NDAA directs the Bureau to issue a rule implementing the new section 605C of the FCRA. Section 6102(c) provides that the rule issued to implement section 605C shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer (as such terms are defined, respectively, in section 603 of the FCRA

[4] U.S. Dep't of State, *About Human Trafficking, https://www.state.gov/humantrafficking-about-human-trafficking* (last visited Mar. 16, 2022).

[5] *Id.*

[6] Coordination Collaboration Capacity, *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013–2017,* at 9, (Jan. 2014), *https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/FederalHumanTraffickingStrategicPlan.pdf.*

[7] The Bureau recognizes that some individuals and advocates prefer the term ''survivor'' to ''victim.'' As the State Department explained, ''[b]oth terms are important and have different implications when used in the context of victim advocacy and service provision. For example, the term 'victim' has legal implications within the criminal justice process and refers to an individual who suffered harm as a result of criminal conduct. The laws that give individuals particular rights and legal standing within the criminal justice system use the term 'victim.' . . . 'Survivor' is a term used widely in service providing organizations to recognize the strength and courage it takes to overcome victimization.'' *See* Off. for Victims of Crime, Training & Tech. Assistance Ctr., U.S. Dep't of Justice, *Human Trafficking Task Force e-Guide, https://www.ovcttac.gov/taskforceguide/eguide/1-understanding-human-trafficking/13-victim-centered-approach/* (last visited Mar. 21, 2022). In this proposed rule, we have used the term ''victim'' because that is the wording of section 6102 of the 2022 NDAA.

[8] *Guimond* v. *Trans Union Credit Info. Co.,* 45 F.3d 1329, 1333 (9th Cir. 1995).

[9] 15 U.S.C. 1681(b).

[10] 12 CFR part 1022.

[11] Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111–203, 124 Stat. 1376 (2010).

[12] Dodd-Frank Act section 1022(b)(1), 124 Stat. 1980.

[13] Dodd-Frank Act section 1002(12)(F), 124 Stat. 1957. Section 1002(12)(F) of the Dodd-Frank Act designates most of the FCRA as an ''enumerated consumer law.''

[14] Dodd-Frank Act section 1061, 124 Stat. 2037.

[15] Dodd-Frank Act section 1088(a)(10)(E), 124 Stat. 2090 (codified at 15 U.S.C. 1681s(e)).

(15 U.S.C. 1681a)) that resulted from trafficking.

IV. Section-by-Section Analysis

Section 1022.142 Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking

142(a) Scope

The Bureau is proposing to apply the requirement to prohibit the furnishing of adverse items of information about victims of trafficking to any ''consumer reporting agency'' as defined in section 603(f), as directed by section 6102(c) of the 2022 NDAA. Thus, consistent with section 603(f) of the FCRA, the Bureau is proposing to define ''consumer reporting agency'' to apply to all consumer reporting agencies. This means that the nationwide consumer reporting agencies, nationwide specialty consumer reporting agencies, and all other consumer reporting agencies such as those focused on employment screening, tenant screening, check and bank screening, personal property insurance, medical, low-income and subprime, supplementary reports, utilities, retail, and gaming would be covered.[16]

142(b) Definitions

142(b)(1) Appropriate Proof of Identity

Proposed section 1022.142(b)(1) defines the term ''appropriate proof of identity'' as meaning proof of identity that meets the requirements in section 1022.123. This section, which concerns proof of identify for consumers regarding identity theft, provides that consumer reporting agencies must develop and implement reasonable requirements specifying what information consumers must provide to constitute proof of identity. The requirements of proposed section 1022.142(b)(1) are not prescriptive; the Bureau is proposing this approach in light of the challenges commonly faced by victims of trafficking. For instance, certain victims may have been displaced, may live at an address not reported to consumer reporting agencies, or may lack access to information or documentation commonly used for proof of identity. While a consumer reporting agency would need to take reasonable steps to ensure that the required information in the context of human trafficking is sufficient to enable it to match the consumer with a credit file and commensurate with an identifiable risk of harm arising from misidentifying the consumer, the requirements to establish proof of identity should be sensitive to the particular needs of victims of trafficking. For example, consumer reporting agencies could include methods of validation of a person's identity such as the consumer's ability to answer questions to which only the consumer might be expected to know the answer.

142(b)(2) Consumer Report

Proposed section 1022.142(b)(2) defines the term ''consumer report'' to have the same meaning as that provided in section 603(d) of the FCRA. The use of this definition is directed by section 6102(c) of the 2022 NDAA (which provides that the Bureau's rule shall be limited to preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking as the terms used in that provision are defined in section 603 of the FCRA).

142(b)(3) Consumer Reporting Agency

Proposed section 1022.142(b)(3) defines ''consumer reporting agency'' to have the meaning provided in section 603(f) of the FCRA. The use of this definition is directed by section 6102(c) of the 2022 NDAA.

142(b)(4) Severe Forms of Trafficking in Persons

Section 605C(a)(2) provides that the term ''severe forms of trafficking in persons'' has the meaning given in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102). Proposed section 1022.142(b)(4) accordingly adopts the definition set forth in that statute, which defines ''severe forms of trafficking in persons'' as:

(i) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(ii) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

142(b)(5) Sex Trafficking

Section 605C(a)(2) provides that the term ''sex trafficking'' has the meaning given in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102). Section 103 of the Trafficking Victims Protection Act of 2000 was amended by section 108 of the Justice for Victims of Trafficking Act of 2015, 22 U.S.C. 7102(12). Proposed section 1022.142(b)(5) adopts the definition in section 103 as amended in 2015. Under that definition, the term means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

142(b)(6) Trafficking Documentation

142(b)(6)(i)(A) and (B)

Section 605C(a)(1) defines ''trafficking documentation'' as documentation of a determination that a consumer is a victim of trafficking, made by a Federal, State, or Tribal governmental entity, or by a court of competent jurisdiction; and documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the a consumer is the victim. The Bureau is proposing to incorporate this statutory definition with certain clarifying interpretations regarding documentation identifying a consumer who is a victim of trafficking involving a ''court of a competent jurisdiction,'' to clarify that the documentation may consist of one or more documents as long as the collective documentation satisfies the definition. As discussed in detail below, the proposed rule would define ''trafficking documentation'' to include documents filed in a court of competent jurisdiction indicating that a consumer is a victim of trafficking.

As provided above, the proposed definition of ''trafficking documentation'' applies to a ''Federal governmental entity.'' In drafting the proposed rule, the Bureau sought information from other Federal agencies and consumer and industry groups about the types of documentation issued by various governmental entities that consumers may be able to provide to consumer reporting agencies as trafficking documentation.[17] The Bureau found that documentation

[16] A list of many self-identified consumer reporting companies is available on the Bureau's website at *https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/companies-list/*(last visited Mar. 21, 2022).

[17] For purposes of discussing the documentation requirements and options identifying victims of trafficking, the Bureau held meetings with: (1) Bureau of Indian Affairs (BIA); (2) Department of Health and Human Services (HHS): Office of Trafficking in Persons (OTIP); (3) Department of Homeland Security (DHS): Center for Countering Human Trafficking; (4) Department of Justice: Money Laundering and Asset Forfeiture Section, Office for Victims of Crime (OVC), Human Trafficking Prosecution Unit, Executive Office of the United States Attorneys; and the (5) Federal Trade Commission. The Bureau separately held meetings with industry and consumer advocacy groups for input on section 6102 of NDAA.

directly identifying a person as a victim of trafficking is scarce and is primarily limited to foreign-born persons.[18] The Bureau has also learned that victims of trafficking are often not identified and thus many victims will not have documentation determining that they are a victim of trafficking. One reason victims are not identified is because persons in the best position to identify people who may be victims of trafficking are not properly trained to do so.[19] Another possible reason may be because some victims do not self-identify as a victim of trafficking even if they meet the definition.[20] To the extent a person self-identifies as a victim of trafficking (or is so identified by others such as health care or social service providers, law enforcement officials, or judges), the victim's names, addresses, phone numbers, and any other identifying information are often protected for confidentiality and privacy reasons.

The Bureau is aware of programs in which government agencies grant money to certain organizations to assist victims of trafficking.[21] For instance, the Department of Justice's Office for Victims of Crime (OVC) is the largest Federal funder of services for human trafficking victims in the United States.[22] The Bureau understands this office does not make or document determinations as to who is a victim of trafficking. However, grantees that are non-governmental organizations who receive funding from the OVC to provide trafficking services to clients do make determinations that individuals are victims of trafficking, even when the person does not self-identify as a victim.[23] The Bureau anticipates that these non-governmental organizations may be able to provide documentation that would support a determination that an individual is a victim of trafficking comparable to the documentation that might be available from governmental sources. The Bureau is interested in comments about whether and how such non-governmental sources of information might be considered in making a determination under section 605C. For example, might entities that receive funding from a governmental entity, and are subject to the terms and conditions of a government program, provide documentation in the form of a determination identifying a person as a victim of trafficking that would satisfy section 605C(a)(1)(A)? Could an attestation or documentation submitted to a Federal, State, or Tribal governmental entity by a person who self-identifies as a victim of trafficking, or by another person or entity acting on that person's behalf, constitute a documented determination under section 605C(a)(1)(A)?

The Bureau is proposing to treat documentation of a determination that a consumer is a victim of trafficking by a ''State governmental entity'' as including documentation created at both the state and local level. Local law enforcement, as part of a local government, may have documentation of a determination identifying victims of trafficking, including but not limited to items in a police report. The Bureau understands that there are Federal and State victims' rights acts in addition to Tribal codes that depend on a determination that a victim has been identified as such, including by Federal, State, Tribal, or local jurisdictions.[24] In fact, some state laws explicitly contemplate local entities making this determination for sex trafficking victims which triggers various rights for the victim and obligations for the government under State and Federal law.[25] While sometimes documentation determining that a person is a victim may be shared with State, Federal, or Tribal governmental entities, it is likely that sometimes it is not, and that as a result some victims of trafficking would not be able to take steps under section 605C to prohibit the furnishing by consumer reporting agencies of adverse information about them that results from their having been trafficked under too narrow a definition. For these reasons, the Bureau is proposing to include local governmental entities, such as local law enforcement, as entities that may make determinations of someone's status as a victim under state law. The Bureau is concerned that a narrower definition could substantially limit the availability of documentation for victims of trafficking to submit to consumer reporting agencies. By proposing to interpret documentation of a determination that a consumer is a victim of trafficking by a ''State governmental entity'' as discussed above, the Bureau is making clear that trafficking documentation consumers are to use will prevent consumer reporting agencies from furnishing consumer reports containing adverse items of information about a consumer that resulted from trafficking. This provision of the rule is also supported by the Bureau's regulatory authority under section 621(e) of the FCRA, which authorizes the Bureau to prescribe regulations that promote accuracy and fairness in credit reporting, and on the general rulemaking authority granted the Bureau under section 1022(b)(1) of the Dodd-Frank Act. Therefore, the Bureau is proposing that documentation generated by both statewide and local entities should be understood as having been generated by a ''State governmental entity'' for the purposes of this rule.

The Bureau is soliciting comments on whether it should interpret the phrase ''a determination that a consumer is a victim of trafficking made by a Federal, State, or Tribal governmental entity'' to mean any determination, including those made by local government officials, where a Federal, State or Tribal governmental entity could reasonably be construed as making a determination

[18] For example, HHS issues certification letters to foreign national adults who have experienced a severe form of trafficking in persons after receiving notification that DHS has granted the person a continued presence, a T visa, or that a bona fide T visa application has not been denied. This certification letter provides that foreign national adult victims of trafficking are eligible for certain Federal and state benefits (health insurance, housing, food assistance, cash assistance, Federal student financial aid). Whereas, U.S. citizens and lawful permanent residents do not need a Certification Letter to access services and benefits available to victims of trafficking and such as a letter identifying persons as victims of trafficking is generally not provided to U.S. citizens or permanent residents. This information is available at *https://www.acf.hhs.gov/otip/victim-assistance/certification* (last visited Mar. 2, 2022).

[19] Off. for Victims of Crime, U.S. Dep't of Justice, *Faces of Human Trafficking Video 2: An Introduction to Sex Trafficking,* YouTube (Jan. 15, 2016) *https://youtu.be/JygGZH0cGV4.*

[20] *Id.*

[21] A map and list of OVC-funded human trafficking services and task forces is available on OVC's website at *https://ovc.ojp.gov/program/human-trafficking/map.* (last visited Mar. 21, 2022). HHS also provides funding to various organizations offering trafficking assistance to victims. A list of the grantees is available at *https://www.acf.hhs.gov/otip/grants* (last visited Mar. 21, 2022).

[22] Off. for Victims of Crime, U.S. Dep't of Justice, *Matrix of OVC-Funded Human Trafficking Services Grantees and Task Forces, https://ovc.ojp.gov/matrix-ovc-funded-human-trafficking-services-grantees-and-task-forces* (last visited Mar. 14, 2022).

[23] Off. for Victims of Crime, U.S. Dept of Justice, *OVC Human Trafficking Program FAQs,* at comment 33 ''Can I provide services to a client who does not self-identify as a victim of human trafficking?'', *https://ovc.ojp.gov/program/human-trafficking/ovc-human-trafficking-program-faqs* (last visited Mar. 16, 2022).

[24] *See, e.g.,* Victims' Rights & Restitution Act of 1990, 42 U.S.C. 10607; Crime Victims' Rights Act, 18 U.S.C. 3771. In these Federal statutes and in some state laws, victims' rights attach during an investigation (and independent of trial) and therefore rely on a law-enforcement determination, which is quite often made by a local governmental entity.

[25] *See, e.g.,* 23 Pa. Cons. Stat. § 5702(a) (requiring county agencies to report to law enforcement children whom they ''identif[y] as being a sex trafficking victim'' within 24 hours); Va. Code Ann. § 9.1–116.5 (creating a statewide Sex Trafficking Response Coordinator who is responsible for ''creat[ing] a statewide plan for local and state agencies to identify and respond to victims of sex trafficking'').

that a consumer is a victim of trafficking. For example, determinations made by local governments, including local law enforcement, may qualify a trafficking victim to avail themselves of Federal, State or Tribal victims' rights laws. The Bureau is also interested in comments concerning the nature of information on trafficking in the possession of local governments, the extent to which such information is or might usefully be shared with Federal, State, and Tribal governmental entities, and the sort of documentation generated by these governmental entities.

The Bureau is proposing to include two categories of documentation involving a ''court of competent jurisdiction'' in the definition of ''trafficking documentation.'' The first category of documents concerning a ''court of competent jurisdiction,'' is documentation, in the form of a determination, that the consumer is a victim of trafficking made by a court of competent jurisdiction.[26] The second category is documentation consisting of documents filed in a court of competent jurisdiction indicating that a consumer is a victim of trafficking.[27] The Bureau is also interested in comments on whether it should clarify in the regulation what documents filed in a court of competent jurisdiction indicating that a consumer is a victim of trafficking means. For example, can or should a filing in a court or a court opinion in which a consumer's status as a victim of trafficking is an accepted fact, but not the central issue in the case, be considered a ''determination'' sufficient to satisfy section 605C(a)(1)(A)? Would such an interpretation allow more victims of trafficking to make use of the procedure created by section 605C?

As discussed above, the proposed ''trafficking documentation'' definition does not contain a description or example of what is a ''determination that a consumer is a victim of trafficking.'' Furthermore, the Bureau has not identified any standard ''determination'' procedures or forms in use by any governmental entities or courts concerning human trafficking for persons who are not foreign national adults (*i.e.,* U.S. citizens or lawful permanent residents). Accordingly, rather than propose to prescribe a specific form of determination, the Bureau is proposing to adopt the statutory definition with the proposed changes discussed in this section above. This approach affords the greatest flexibility to victims of trafficking seeking to gather and submit to consumer reporting agencies the documentation of determinations specified in section 605C(a)(1)(A). The Bureau may consider issuing interpretations in the future that provide specific examples to provide clarity on the types of ''determinations'' that establish a consumer is a ''victim of trafficking.'' The Bureau seeks comment on this issue and solicits feedback on the types of documents that could serve as a ''determination.''

142(b)(6)(ii)

In addition to specifying that the source of trafficking documentation be a Federal, State, or Tribal governmental entity or a court of competent jurisdiction, section 605(C)(a)(1)(B) provides that ''trafficking documentation'' is documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the consumer is a victim. The Bureau has incorporated the statutory provision into proposed section 1022.142(b)(6)(ii) with a clarification that this documentation may consist of a statement by the consumer identifying such information. This part of the definition is significant because it identifies for victims information that must be provided to consumer reporting agencies in order to prohibit them from furnishing adverse information in their consumer report when the information results from human trafficking.

The Bureau is not proposing to prescribe what an ''adverse item of information'' in a ''consumer report'' is, because it may vary depending on the weight each individual user of a consumer report gives to certain items of information as well as the consumer's individual circumstances. This information could include the evaluation of factors enumerated in section 603(d) of the FCRA on consumer reports such as: Credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. In addition, victims of trafficking may wish to have items of information blocked from their consumer report that are the result trafficking because they do not believe those items accurately reflect them even if the item does not result in, for example, a lower credit score or less favorable evaluation by a user. Examples of adverse items of information include records containing derogatory information, such as payment delinquencies or defaults, reported to a consumer reporting agency on a loan or large purchase, records of coerced debt where a loan is taken out by a trafficking victim under force or threat, records of criminal arrests and convictions, and records of evictions or non-payment of rent.

142(b)(7) Victim of Trafficking

Section 605C(a)(3) defines ''victim of trafficking'' as a person who is a victim of a severe form of trafficking in persons or sex trafficking. Proposed section 1022.142(b)(7) adopts this definition.

142(c) Prohibition on Inclusion of Adverse Information of Trafficking Victims

Section 605C(b) provides that a consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency. The Bureau is proposing to interpret this provision to mean a consumer reporting agency may not furnish any adverse item of information in a consumer report to the extent such information resulted from the consumer's involvement in a severe form of trafficking or sex trafficking and the consumer submitted trafficking documentation to the consumer reporting agency. Proposed section 1022.142(c) adopts this statutory language. The Bureau is interested in comments on whether this provision warrants further clarification.

142(d) Method of Submission to Consumer Reporting Agencies

142(d)(1)–(d)(3)

Section 605C(c) requires that the Bureau's implementing rules establish a method by which consumers shall submit trafficking documentation to consumer reporting agencies. The information to be provided by the consumer to a consumer reporting

[26] Examples of court documents made by a court of competent jurisdiction could be a restitution order that provides a victim of trafficking with restitution after a criminal conviction or a criminal record relief court order (such as a vacatur, expungement, or sealing of records) where victims of trafficking may obtain an order to clear convictions of criminal offenses the victims were forced to commit.

[27] An example of a document filed in a court of competent jurisdiction indicating a consumer is a victim of trafficking could be where victims of trafficking file suit against their traffickers where they identify as a victim of trafficking. A prior iteration of section 6102 of the 2022 NDAA in H.R. 2332 (introduced in the 117th Cong.) and S. 2040 (introduced in the 117th Cong.) provided that ''trafficking documentation'' included ''documentation of . . . a determination by a court of competent jurisdiction that a consumer is a victim of trafficking.'' This language was subsequently changed and enacted into law to instead read ''documentation of . . . by a court of competent jurisdiction.''

agency is by nature highly sensitive and confidential. Under proposed section 1022.142(d)(1), consumer reporting agencies would provide a mailing address or website address if the consumer reporting agency allows for electronic submissions, for a consumer to submit trafficking documentation. To facilitate this, proposed section 1022.142(d)(2) provides that a consumer reporting agency must add information on the publicly available website stating how submissions for the blocking of adverse items of information resulting from trafficking can be submitted. Consumer reporting agencies must accept submissions of trafficking documentation at the mailing address used for disputes under section 611 of the FCRA. Also, if the consumer reporting agency takes disputes under section 611 of the FCRA through a website, it must also accept submission of trafficking documentation at that same website by establishing a secure online portal. Further, a consumer reporting agency must maintain another mailing address and, if the consumer reporting agency accepts electronic submissions of trafficking documentation, another website address dedicated to blocking adverse items of information resulting from trafficking.

In addition, proposed section 1022.142(d)(3) provides that consumer reporting agencies must allocate a reasonable amount of personnel to respond to inquiries about the process for and status of trafficking documentation submissions at the toll-free number for disputes and establish a toll-free telephone number dedicated to blocking adverse items of information resulting from trafficking.

The Bureau proposes these requirements under its authority in sections 605C(c) and 621(e) of the FCRA as necessary to assist victims in their efforts to prevent a consumer reporting agency from furnishing a consumer report containing an adverse item of information that resulted from trafficking. Trafficking victims seeking to block adverse items of information may have difficulty receiving communications from consumer reporting agencies because, for example, they may be in the process of establishing new permanent residence or may have inconsistent or no access to the internet. To ensure that consumer reporting agencies are not furnishing adverse items of information for which the consumer has provided the necessary trafficking documentation, consumers need to be able to understand where and how to submit trafficking documentation and to be able to verify that a consumer reporting agency has received and acted upon such documentation. The reason the Bureau is proposing that a consumer reporting agency needs to accept submissions of trafficking documentation at both the specific address(es) the consumer reporting agency uses for FCRA section 611 disputes and at separate address(es) the consumer reporting agency uses only for submission of trafficking documentation is to maximize the chances of consumers being able to find an address to which to submit documentation. Some consumers may use the address for disputes as that may be the most widely known and available address, while other consumers may seek a specific address for trafficking documentation and may not understand that they can submit to the address for disputes. The Bureau solicits comment on these proposed provisions.

142(e)–(h) Overview

In order to fully implement the consumer protection provisions of section 605C, the Bureau looked at pre-existing statutory and regulatory requirements concerning the procedures used by consumers in reporting identity theft and in disputing the accuracy of information in consumer files and consumer reports and the obligations those regulations place on consumer reporting agencies to identify what aspects of those regulations might be useful in helping a consumer seeking to report items of adverse information that result from a severe form of trafficking or sex trafficking of which the consumer is a victim. Proposed paragraphs 142(e)–(h) set forth: (1) Provisions to address limited situations in which the consumer reporting agency may decline or rescind a block pursuant to section 605C; (2) the obligations on consumer reporting agencies to notify the consumer of the outcome of its actions with respect to the submission; (3) a record retention requirement of seven years from the date the submission is received by consumer reporting agencies; and (4) a requirement that consumer reporting agencies establish and maintain written policies and procedures to ensure and monitor compliance with section 605C and these implementing regulations.

The Bureau is proposing these procedural requirements under its authority in FCRA section 621(e) to prescribe regulations that are necessary and appropriate to administer and carry out the purposes and objectives of the FCRA, and to prevent evasions or to facilitate compliance. If the consumer is not notified of the outcome by the consumer reporting agency, the consumer would either have to separately request a copy of their credit report, perhaps incurring a fee, or wait to see if they are subject to an adverse action the next time their consumer report is used which may mean missing out on credit, employment, or housing opportunities. Many victims of trafficking will be in particularly urgent need of housing, employment, or credit, and knowing within a reasonable time that a consumer reporting agency has blocked adverse items of information may facilitate a victim's ability to obtain these vital services. The Bureau also believes that these requirements are necessary for preventing a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking because it provides consumers with the opportunity to review the outcome and if the consumer reporting agency incorrectly rejected a submission to dispute that outcome.

Section 605C of the FCRA does not expressly address the development of written policies and procedures or notification by consumer reporting agencies to furnishers of the adverse items of information blocked for a victim of trafficking. Notifying the furnisher of the block could give a furnisher the opportunity to cease furnishing the blocked information to the consumer reporting agency that provided the notification, which can help ensure that blocked information is not refurnished and reinserted in a consumer report. If the furnisher stops furnishing to other consumer reporting agencies it may also help to prevent the adverse items of information from being furnished by those consumer reporting agencies. The Bureau is seeking comment on whether a consumer reporting agency should be required to notify a furnisher about the consumer's submission to prevent a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking.

142(e) Authority To Decline or Rescind a Block

The Bureau understands consumer reporting agencies may encounter difficulty confirming certain information submitted by consumers. Under proposed section 1022.142(e), the Bureau is proposing to provide consumer reporting agencies with the authority to decline to act, or to rescind action (if applicable) on a submission. This provision is similar to section 605B(c) of the FCRA, which allows a consumer reporting agency to decline to

block information relating to a consumer, or to rescind any block, if the consumer reporting agency makes certain reasonable determinations.[28]

Proposed section 1022.142(e) provides that a consumer reporting agency may decline to block, or may rescind any block, of adverse items of information resulting from a severe form of trafficking in persons or sex trafficking where: (1) The consumer reporting agency requests and cannot reasonably confirm the appropriate proof of identity under paragraph (b)(1); (2) the consumer cannot provide documentation under paragraph (b)(6)(i); or (3) the consumer reporting agency cannot properly identify the adverse items of information under paragraph (b)(6)(ii).

The Bureau is not proposing to interpret section 605C as giving the consumer reporting agency the discretion to contest the merits of the submitted trafficking documentation, if it meets the definition in section 605C(a) and in proposed 1022.142(b)(6)(i), and is interested in comments on this approach. The Bureau also is not proposing to interpret the statute as giving a consumer reporting agency the discretion to challenge a consumer's determination that an adverse item of information resulted from a severe form of trafficking in persons or sex trafficking under 1022.142(b)(6)(ii), and is interested in comments on this approach.

The Bureau is proposing to clarify in paragraph (e) that consumer reporting agencies can request appropriate proof of identity of the consumer who is a victim of trafficking as defined in paragraph (b)(1) and that consumer reporting agencies can decline or rescind a block if it cannot reasonably confirm the appropriate proof of identity. In order for consumer reporting agencies to prevent the furnishing of consumer reports that contain adverse items of information about a consumer who is a victim of trafficking, the consumer reporting agency must be able to identify the specific consumer to whom the report relates. The Bureau is relying on its regulatory authority under section 621(e) of the FCRA, which authorizes the Bureau to prescribe regulations that promote accuracy and fairness in credit reporting, and on the general rulemaking authority granted the Bureau under section 1022(b)(1) of the Dodd-Frank Act. Proposed section 1022.142(e) also requires a consumer reporting agency, prior to exercising its authority to decline or rescind a block, notify the consumer and attempt to resolve any deficiency in the consumer's submission. Requiring consumer reporting agencies to notify the consumer and attempt to resolve any deficiencies in the consumer's submission will facilitate compliance and is appropriate to prevent a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking by providing consumers an opportunity to complete their submission or correct mistakes with respect to information or documentation they provide initially, and making it less likely that a consumer reporting agency will decline to block or a rescind a block in error.

The Bureau requests comment on whether additional clarification on the manner in which a consumer reporting agency must notify the consumer and attempt to resolve any deficiencies in the submission is warranted. For example, should the Bureau use or adapt the procedures in the existing process in Regulation V for consumer reporting agencies to make reasonable requests for additional information for the purpose of determining the validity of alleged identity theft?[29] The Bureau also seeks comment on whether the adverse items of information should simply be blocked from being reported as proposed, or should be deleted from the consumer's file (or the file be modified as appropriate).[30]

142(f) Notification to Consumer of Actions Taken in Response to Trafficking Documentation Submission

The Bureau is proposing in section 1022.142(f)(1) to require a consumer reporting agency to provide written notice to a consumer of the results of a submission within five calendar days of receipt of the submission (or, if rescinding a previously applied block, five calendar days after rescinding). The notification to the consumer may be sent by mail or by other means available to the consumer reporting agency, if authorized by the consumer.

Proposed section 1022.142(f)(2) would require a consumer reporting agency to provide notice in writing informing the consumer that the review of the submission is completed, a statement explaining the outcome, a consumer report provided at no cost to the consumer that is based upon the consumer's revised file (if applicable), a description of the procedures used to determine the outcome, a method for contacting the consumer reporting agency to appeal the determination or revise the submission to cure any of the noted reasons for declining to block the requested adverse information, and the web page consumers can use to submit complaints to the Consumer Financial Protection Bureau. Requiring a notice to the consumer of the outcome of the consumer reporting agency's review of the submission and providing the consumer with information on how to appeal or cure and how to submit a complaint to the Bureau will facilitate compliance and is appropriate to prevent a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from trafficking by providing consumers with the information they need to determine if a consumer reporting agency declined to block or a rescind a block in error and with information about how to get any such error corrected. The Bureau is soliciting comments on whether, similar to section 611(a)(6)(B) of the FCRA, a consumer reporting agency should provide the consumer with a consumer report that is based upon the consumer's revised file (if applicable) or a consumer reporting agency should be required to provide the consumer with instructions for how to obtain a copy of the revised report in order to protect the consumer's privacy.

142(g) Record Retention

Proposed section 1022.142(g) requires a consumer reporting agency to retain evidence of submissions under section 605C. The proposal would also require a consumer reporting agency to maintain documentation concerning the outcome of the submissions, reasons for declining or rescinding to act (if applicable), and compliance with section 1022.142. Consumer reporting agencies would need to retain this information for a period of seven years after the date the submission by the consumer is received. Under section 605 of the FCRA, most adverse information would be excluded from consumer reports after seven years automatically. Requiring consumer reporting agencies to maintain records of compliance is appropriate to administer the rule by enabling the Bureau to assess consumer reporting agencies' compliance with the rules and to facilitate compliance by supporting effective and efficient enforcement of the rule in order to prevent a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from human trafficking. The

[28] 15 U.S.C. 1681c–2(c).

[29] *See* 12 CFR 1022.3(i)(1)(iii).

[30] Section 611(a)(5) of the FCRA takes the latter approach with respect to successfully disputed information. 15 U.S.C. 1681i(a)(5).

Bureau requests comment on the record retention requirement, particularly with respect to the proposed seven-year retention period.

142(h) Policies and Procedures To Ensure and Maintain Compliance

Proposed section 1022.142(h) would require consumer reporting agencies to establish and maintain written policies and procedures reasonably designed to ensure and monitor the compliance of the consumer reporting agency and its employees with the requirements of this section. Rather than proposing a one-size-fits-all approach, proposed section 1022.142(h) specifies that these written policies and procedures must be appropriate to the nature, size, complexity, and scope of the activities of the consumer reporting agency and its employees. For example, consumer reporting agencies must develop policies and procedures that address how requests are evaluated and processed, and the limited circumstances a consumer reporting agency may decline or rescind a block under section 1022.142(e). Requiring consumer reporting agencies to maintain written policies and procedures is appropriate to administer the rule by enabling the Bureau to assess consumer reporting agencies' compliance with the rules and to facilitate compliance in order to prevent a consumer reporting agency from furnishing a consumer report containing any adverse item of information about a consumer that resulted from human trafficking.

V. Proposed Effective Date for Final Rule

Pursuant to section 6102 of the 2022 NDAA, the amendments to the FCRA shall apply 30 days after the Bureau issues a final rule. The Bureau proposes that the amendments included in this proposal take effect 30 days after the date of the final rule's publication in the **Federal Register**. Under section 553(d) of the Administrative Procedure Act, the required publication or service of a substantive rule must be made not less than 30 days before its effective date, with certain exceptions not applicable here.[31] Thus, the final rule would take effect at the same time as section 605C, which would avoid uncertainty for consumers who are victims of trafficking as well as for consumer reporting agencies. The Bureau seeks comment on the proposed effective date.

[31] 5 U.S.C. 553(d).

VI. Dodd-Frank Act Section 1022(b)(2) Analysis

In developing this proposed rule, the Bureau has considered the proposed rule's potential benefits, costs, and impacts in accordance with section 1022(b)(2)(A) of the Consumer Financial Protection Act of 2010 (CFPA).[32] The Bureau requests comment on the preliminary analysis presented below as well as submissions of additional data that could inform the Bureau's analysis of the benefits, costs, and impacts. In developing the proposed rule, the Bureau has consulted or offered to consult with the prudential banking regulators (the FDIC, FRB, NCUA, and OCC) and the Bureau of Indian Affairs, several offices in the Department of Justice, Department of Health and Human Services, Department of Homeland Security, and the FTC, including regarding consistency of this rule with any prudential, market, or systemic objectives administered by those agencies, in accordance with section 1022(b)(2)(B) of the CFPA.

The Bureau expects that the proposed rule would benefit consumers who are victims of a severe form of trafficking in persons or sex trafficking and have adverse information on file with a consumer reporting agency as a result of that trafficking. The potential benefits to individual consumers who are victims of trafficking could be considerable—adverse information from consumer reporting agencies could negatively affect a consumer's ability to obtain housing, employment, credit or other immediate and longer-term services necessary to support long-term independence and financial stability.

Conversely, the proposed rule would impose costs on consumer reporting agencies in the form of compliance costs associated with processing requests from consumers to block adverse information and effecting the necessary blocks. While the Bureau does not have data to quantify these costs, the Bureau expects the costs of complying with the requirements of the proposed rule to be small in magnitude. Consumer reporting agencies are already required by 15 U.S.C. 1681c-2 to have systems in place to accept reports of identity theft, and to respond to those reports by suppressing information on any consumer reports. Consumer reporting agencies also have systems in place to address treatment of inaccurate and unverifiable information as required by 15 U.S.C. 1681i(a)(5) and concerning the notice of results of reinvestigation under 15 U.S.C. 1681i(a)(6). This proposed rule's procedural requirements are modeled on these requirements.

[32] 12 U.S.C. 5512(b)(2)(A).

Although the Bureau characterizes qualitatively the nature of the benefits to consumers and the costs to firms above, it is not able to quantify the overall magnitude of the likely costs and benefits of the proposed rule. Quantifying these costs and benefits would require an estimate of the number of consumers likely to submit information to support a block under the proposed rule in a typical year. Not all victims of trafficking will necessarily have adverse information with a consumer reporting agency, and among those who do, not all will make a submission or be able to provide the required documentation.[33] The Bureau does not have a way to estimate the number of trafficking victims who will make a request, and according to the State Department, there is no reliable estimate of the annual number of trafficking victims in the United States.

To provide a rough sense of scale, the Bureau compares available statistics on human trafficking in the United States to statistics on identity theft, which have a similar treatment under the FCRA as under the proposed rule. In 2020, the National Human Trafficking Hotline made 8,701 referrals for potential victims of trafficking.[34] For comparison, the FTC received nearly 1.4 million complaints related to identity theft in 2020.[35] Both the number of referrals from the National Human Trafficking Hotline and the number of identity theft complaints to the FTC likely undercount the true incidence of trafficking and identity theft, respectively. However, given that not all victims of trafficking will have adverse information with a consumer reporting agency, it seems reasonable to assume

[33] This may occur if the consumer is not aware of the adverse information, or is not seeking any product or service that might rely on a consumer report including that information (*e.g.,* if the adverse information relates to credit and the consumer is not currently seeking new credit). In addition, although the proposed rule is intended to make the submission process as straightforward as possible for victims of trafficking and intends to conduct outreach to ensure that victims are aware of their rights, consumers may not utilize the reporting process if they do not know their right to make a request, because they lack the required documentation, or because they believe the process to be more costly in time and effort than the potential benefits of blocking the adverse information.

[34] Off. to Monitor and Combat Trafficking in Persons, U.S. Dep't of State, *2021 Trafficking in Persons Report* 591, *https://www.state.gov/reports/2021-trafficking-in-persons-report/* (last visited Mar. 21, 2022).

[35] Fed. Trade Comm'n, *Consumer Sentinel Network Data Book 2020,* at 7 (Feb. 2021), *https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-2020/csn_annual_data_book_2020.pdf.*

that the annual number of consumer submissions to consumer reporting agencies under the proposed rule would be at least two orders of magnitude less than the volume similar requests related to identity theft. As a result, the Bureau expects that although the potential benefits of the proposed rule to individual consumers who are victims of trafficking may be considerable, the aggregate benefits to consumers and the aggregate costs to consumer reporting agencies are likely to be small.[36]

The proposed rule may increase consumer access to credit, to the extent that consumers who are victims of trafficking and have adverse information related to that trafficking present on a credit report, and blocking that adverse information makes it easier for those consumers to obtain credit.

The proposed rule would not have a unique impact on insured depository institutions or insured credit unions with less than $10 billion in assets described in section 1026(a) of the Dodd-Frank Act. Finally, the proposed rule would not have a unique impact on rural consumers.

VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.[37] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[38] The proposed rule would apply to all consumer reporting agencies, including all those that are small businesses under the RFA. However, it is unlikely that any small business will experience a significant economic impact as a result of the proposal. As discussed in section VI above, the number of submissions for blocking adverse information each year are likely to be small, and consumer reporting agencies are already required to have processes in place for processing similar requests due to existing requirements related to identity theft and dispute procedures under section 611 of the FCRA. Accordingly, the Director of the Bureau certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. Thus, neither an IRFA nor a small business review panel is required for this proposal. The Bureau requests comment on the analysis above and requests any relevant data.

VIII. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[39] Federal agencies are generally required to seek approval from the Office of Management and Budget (OMB) for data collection, disclosure, and recordkeeping requirements (collectively, information collection requirements) prior to implementation. Under the PRA, the Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid control number assigned by OMB. As part of its continuing effort to reduce paperwork and respondent burden, the Bureau conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on the information collection requirements in accordance with the PRA. This helps ensure that the public understands the Bureau's requirements or instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, information collection instruments are clearly understood, and the Bureau can properly assess the impact of information collection requirements on respondents.

This proposed rule would amend 12 CFR part 1022 (Regulation V). The Bureau's OMB control number for Regulation V is 3170. As described below, the proposed rule would create the following new information collection requirements in Regulation V:

- The proposed rule would require consumer reporting agencies to accept trafficking and other documentation from consumers, process the submissions, and block any adverse item of information identified by the consumer that resulted from a severe form of trafficking in persons or sex trafficking under proposed section 1022.142(d)–(e). Consumer reporting agencies would be required to inform consumers of their decision and actions with respect to the submission under proposed section 1022.142(f).
- The proposed rule would require consumer reporting agencies to retain evidence of all submissions by consumers pursuant to these regulations, including actions taken in response to the submissions, reasons for declining or rescinding the block requests, and compliance with this section for a seven-year period under proposed section 1022.142(g).
- The proposed rule would require consumer reporting agencies to establish and maintain written policies and procedures reasonably designed to ensure and monitor the compliance of the consumer reporting agency and its employees with the requirements of this rule under proposed section 1022.142(h).

The collections of information contained in this proposed rule, and identified as such, have been submitted to OMB for review under section 3507(d) of the PRA. A complete description of the information collection requirements (including the burden estimate methods) is provided in the information collection request (ICR) that the Bureau has submitted to OMB under the requirements of the PRA. Please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Bureau of Consumer Financial Protection. Send these comments by email to *oira_submission@omb.eop.gov* or by fax to 202- 395–6974. If you wish to share your comments with the Bureau, please send a copy of these comments as described in the **ADDRESSES** section above. The ICR submitted to OMB requesting approval under the PRA for the information collection requirements contained herein is available at *www.regulations.gov* as well as on OMB's public-facing docket at *www.reginfo.gov.*

Title of Collection: Regulation V: Fair Credit Reporting Act.

OMB Control Number: 3170–0002.

Type of Review: Revision of a currently approved collection.

Affected Public: Private Sector; Federal, State, and Tribal Governments.

Estimated Number of Respondents: The Bureau does not have enough information to estimate the number of respondents and is assuming de minimis. The Bureau invites comment on this assumption.

Estimated Total Annual Burden Hours: The Bureau does not have enough information to know how frequently this collection will occur or

[36] It is possible that consumer reporting agencies may incur some costs associated with submissions from individuals who claim fraudulently that adverse items of information in their consumer reports result from a severe form of trafficking or sex trafficking of which they allege to be a victim. Given the documentation requirements in the proposed rule, the Bureau does not expect this would happen often. The Bureau seeks comment on this assessment.

[37] 5 U.S.C. 601 through 612.

[38] 5 U.S.C. 609.

[39] 44 U.S.C. 3501 *et seq.*

the burden it will impose. The Bureau invites comment on this collection.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notification will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

If applicable, the final rule will inform the public of OMB's approval of the new information collection requirements proposed herein and adopted in the final rule. If OMB has not approved the new information collection requirements prior to publication of the final rule in the **Federal Register**, the Bureau will publish a separate notification in the **Federal Register** announcing OMB's approval prior to the effective date of the final rule.

List of Subjects in 12 CFR Part 1022

Banks, Banking, Consumer protection, Credit unions, Holding companies, National banks, Privacy, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons set forth above, the Bureau proposes to amend Regulation V, 12 CFR part 1022, as set forth below:

PART 1022—FAIR CREDIT REPORTING ACT (REGULATION V)

■ 1. Revise the authority citation for part 1022 to read as follows:

Authority: 12 U.S.C. 5512, 5581; 15 U.S.C. 1681a, 1681b, 1681c, 1681c–1, 1681c–3, 1681e, 1681g, 1681i, 1681j, 1681m, 1681s, 1681s–2, 1681s–3, and 1681t; Sec. 214, Public Law 108–159, 117 Stat. 1952.

Subpart O—Miscellaneous Duties of Consumer Reporting Agencies

■ 2. Add § 1022.142 to read as follows:

§ 1022.142 Prohibition on inclusion of adverse information in consumer reporting in cases of human trafficking.

(a) *Scope.* This section applies to any consumer reporting agency as defined in section 603(f) of the FCRA, 15 U.S.C. 1681a(f).

(b) *Definitions.* For purposes of this section:

(1) *Appropriate proof of identity* means proof of identity that meets the requirements in section 1022.123.

(2) *Consumer report* has the meaning provided in section 603(d) of the FCRA, 15 U.S.C. 1681a(d).

(3) *Consumer reporting agency* has the meaning provided in section 603(f) of the FCRA, 15 U.S.C. 1681a(f).

(4) *Severe forms of trafficking in persons* has the meaning provided in section 103 of the Trafficking Victims Protection Act of 2000, 22 U.S.C. 7102(11).

(5) *Sex trafficking* has the meaning provided in section 103 of the Trafficking Victims Protection Act of 2000, as amended by section 108 of the Justice for Victims of Trafficking Act of 2015, 22 U.S.C. 7102(12).

(6) *Trafficking documentation* means one or more documents that satisfy paragraph (b)(6)(i) and (ii) of this section:

(i) Documentation that:

(A) Is of a determination that a consumer is a victim of trafficking made by a Federal, State, or Tribal governmental entity or a court of competent jurisdiction; or

(B) Consists of documents filed in a court of competent jurisdiction indicating that a consumer is a victim of trafficking; and

(ii) Documentation, which may consist of a statement by the consumer, that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the consumer is a victim.

(7) *Victim of trafficking* means a person who is a victim of a severe form of trafficking in persons or sex trafficking.

(c) *Prohibition on inclusion of adverse information of trafficking victims.* A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.

(d) *Method of submission to consumer reporting agencies.* (1) *Mailing and website address.* A consumer reporting agency must provide a mailing address for a consumer to submit required documentation and may also establish a secure online portal for submissions. A consumer reporting agency must accept trafficking documentation sent to the mailing and, if applicable, website addresses used for disputes under section 611 of the FCRA, and a consumer reporting agency must maintain a dedicated mailing and, if applicable, website address for blocking adverse items of information resulting from trafficking.

(2) *Disclosing methods for submission.* A consumer reporting agency must add information on the publicly available website stating how submissions for the blocking of adverse items of information resulting from trafficking can be submitted.

(3) *Toll-free telephone number.* A consumer reporting agency must:

(i) Allocate a reasonable amount of personnel to respond to consumer inquiries about the process for and status of trafficking documentation submissions at the toll-free telephone number used for disputes under section 611 of the FCRA; and

(ii) Establish a toll-free telephone number dedicated to addressing submissions from consumers seeking to block adverse items of information resulting from trafficking.

(e) *Authority to decline or rescind a block.* A consumer reporting agency may decline to block, or may rescind any block, of adverse items of information resulting from a severe form of trafficking in persons or sex trafficking only where the consumer reporting agency requests and cannot reasonably confirm the appropriate proof of identity under paragraph (b)(1) of this section, the consumer cannot provide documentation under paragraph (b)(6)(i) of this section, or the consumer reporting agency cannot properly identify the adverse items of information under paragraph (b)(6)(ii) of this section. A consumer reporting agency may decline or rescind a block only after notifying the consumer and attempting to resolve any deficiency in the consumer's submission.

(f) *Notification to consumer of actions taken in response to trafficking documentation submission*—(1) *In general.* A consumer reporting agency must provide written notice to a consumer of actions it has taken in response to a submission of trafficking documentation not later than five calendar days after the receipt of the submission (or, if rescinding a previously applied block, five calendar days after rescinding), by mail or, if authorized by the consumer for that

purpose, by other means available to the consumer reporting agency.

(2) *Contents.* The notice must include the following:

(i) A statement that the review of the submission is completed;

(ii) A statement of the outcome of the review of the submission, including the reason(s) if the consumer reporting agency declined or rescinded to block the requested adverse information under paragraph (d) of this section;

(iii) A consumer report, provided at no cost to the consumer, that is based upon the consumer's revised file (if applicable) as a result of the consumer's submission;

(iv) A description of the procedure used to determine the outcome;

(v) A method for contacting the consumer reporting agency to appeal the determination or revise the submission to cure any of the noted reasons for declining to block the requested adverse information; and

(vi) The web page consumers can use to submit complaints to the Consumer Financial Protection Bureau.

(g) *Record retention.* For a period of seven years after the date the submission by the consumer is received under paragraph (d)(2) of this section, a consumer reporting agency must retain evidence of all such submissions, including the actions taken by the consumer reporting agency, reasons for declining or rescinding the block requests, and compliance with this section.

(h) *Policies and procedures to ensure and maintain compliance.* A consumer reporting agency must establish and maintain written policies and procedures reasonably designed to ensure and monitor the compliance of the consumer reporting agency and its employees with the requirements of paragraphs in this section. These written policies and procedures must be appropriate to the nature, size, complexity, and scope of the activities of the consumer reporting agency and its employees.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–07528 Filed 4–7–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0450; Project Identifier MCAI–2021–00854–A]

RIN 2120–AA64

Airworthiness Directives; Diamond Aircraft Industries Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Diamond Aircraft Industries Inc. Model DA 40, DA 40 F, and DA 40 NG airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as baggage nets installed with defective buckles, which may result in failure of the baggage net to restrain the baggage or cargo, which could lead to injury to the occupants in the case of an emergency landing. 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 23, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Diamond Aircraft Industries Inc., Att: Thit Tun, 1560 Crumlin Road, London, N5V 1S2, Canada; phone: (519) 457–4000; email: *T.Tun@diamondaircraft.com*. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0450; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Chirayu Gupta, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7300; email: *Chirayu.A.Gupta@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 the **ADDRESSES** section. Include ''Docket No. FAA–2022–0450; Project Identifier MCAI–2021–00854–A'' 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 AD.

Submissions containing CBI should be sent to Chirayu Gupta, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2021–24, dated July 21, 2021 (referred to after this as ''the MCAI''), to correct an unsafe condition on all Diamond Aircraft Industries Inc. Model DA 40, DA 40 D, DA 40 F, DA 40 NG, and DA 62 airplanes. The MCAI states:

Diamond Aircraft Industries Inc. (DAI) has received reports of defective buckles installed as part of the baggage nets on DA 40 NG and DA 62 aeroplanes. An investigation revealed a quality escape in the manufacturing of the Quick Fix Baggage Net Assembly, part number (P/N) D44–2550–90–00 and P/N D67–2550–90–00_02, by the supplier. P/N D44–2550–90–00 baggage nets can also be installed on DA 40, DA 40 D and DA 40 F aeroplanes. The baggage nets installed with defective buckles may not maintain sufficient holding force to restrain the baggage or cargo that is carried in the same compartment as passengers, and consequently, may not provide adequate means to protect the passengers from injury.

This condition, if not corrected, could result in the failure of the baggage net to restrain the baggage or cargo, which could lead to injury to the occupants in the case of an emergency landing.

DAI undertook a voluntary campaign to replace all defective Quick Fix Baggage Net Assemblies. However, DAI was unable to complete the campaign in its entirety, and therefore, a number of aeroplanes with defective baggage nets that have not yet been replaced, remain in operation.

As a result, DAI issued Mandatory Service Bulletin (MSB) 40–093, MSB D4–110, MSB F4–039, MSB 40NG–065 and MSB 62–028, providing accomplishment instructions to replace the defective Quick Fix Baggage Net Assemblies.

This [Transport Canada] AD mandates the removal and replacement of the affected baggage nets. This [Transport Canada] AD also renders any affected baggage nets not eligible for installation as a replacement part on DA 40, DA 40 D, DA 40 F, DA 40 NG and DA 62 aeroplanes.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0450.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining 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 the following service information issued by Diamond Aircraft Industries, which specify procedures for identifying, removing, and replacing the affected baggage nets.

- Mandatory Service Bulletin No. MSB 40–093, Rev. 0, dated July 6, 2021.
- Mandatory Service Bulletin No. MSB F4–039, Rev. 0, dated July 6, 2021.
- Mandatory Service Bulletin No. MSB 40NG–065, Rev. 1, dated July 6, 2021.

These documents are distinct since they apply to different airplane models.

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

Differences Between This Proposed AD and the MCAI or Service Information

The MCAI applies to Diamond Aircraft Industries Inc. Model DA 40, DA 40 D, DA 40 F, DA 40 NG, and DA 62 airplanes. This proposed AD would not apply to Model DA 62 airplanes. The FAA plans to address Model DA 62 airplanes in future rulemaking.

In addition, the MCAI applies to the Model DA 40 D airplane and this proposed AD would not because it does not have an FAA type certificate.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 800 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 airplane	Cost on U.S. operators
Replace Model DA 40, DA 40 F, and DA 40 NG baggage net.	0.25 work-hour × $85 per hour = $21.25	$382	$403.25	$322,600

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:

Diamond Aircraft Industries Inc.: Docket No. FAA–2022–0450; Project Identifier MCAI–2021–00854–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 23, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Diamond Aircraft Industries Inc. Model DA 40, DA 40 F, and DA 40 NG airplanes (including Model DA 40 D airplanes that have been converted to Model DA 40 NG), all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2550, Cargo Compartments.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as baggage nets installed with defective buckles. The FAA is issuing this AD to prevent failure of the baggage net to restrain the baggage or cargo. This unsafe condition, if not corrected, could result in injury to occupants in the case of an emergency landing.

(f) Compliance

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

(g) Definition

The following are ''affected baggage nets'' for purposes of this AD:

(1) Quick fix baggage net assembly part number (P/N) D44–2550–90–00 with a date of manufacture of December 2015, November 2016, or March 2017; and

(2) Quick fix baggage net assembly P/N D67–2550–90–00_02 with a date of manufacture of June 2016.

(h) Required Actions

(1) Within 12 months after the effective date of this AD or within 50 hours time-in-service (TIS) after the effective date of this AD, whichever occurs first, inspect each baggage net to determine whether an affected baggage net is installed on your airplane.

Note to paragraph (h)(1): The date of manufacture is located on the label with the abbreviation ''DMF.''

(i) If an affected baggage net is installed, before further flight, remove the baggage net from service.

(ii) Before the next flight carrying baggage or cargo in the baggage compartment, install a baggage net that is not an affected baggage net in accordance with Figure 1 of the Accomplishment Instructions in the applicable service information in paragraph (i) of this AD.

(2) As of the effective date of this AD, do not install an affected baggage net on any airplane.

(i) Service Information

(1) Diamond Aircraft Industries Mandatory Service Bulletin No. MSB 40–093, Rev. 0, dated July 6, 2021, for Model DA 40 airplanes.

(2) Diamond Aircraft Industries Mandatory Service Bulletin No. MSB F4–039, Rev. 0, dated July 6, 2021, for Model DA 40 F airplanes.

(3) Diamond Aircraft Industries Mandatory Service Bulletin No. MSB 40NG–065, Rev. 1, dated July 6, 2021, for Model DA 40 NG airplanes.

(j) Alternative Methods of Compliance (AMOCs)

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

(2) For any requirement in this AD to obtain corrective actions from a manufacturer, the action must instead be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Diamond Aircraft Industries Inc.'s Design Organization Approval (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

(1) For more information about this AD, contact Chirayu Gupta, Aviation Safety Engineer, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (516) 228–7300; email: *chirayu.a.gupta@faa.gov.*

(2) Refer to Transport Canada AD CF–2021–24, dated July 21, 2021, for more information. You may examine the Transport Canada AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0450.

(3) For service information identified in this AD, contact Diamond Aircraft Industries Inc., Att: Thit Tun, 1560 Crumlin Road, London, N5V 1S2, Canada; phone: (519) 457–4000; email: *T.Tun@diamondaircraft.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on April 4, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07527 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0396; Project Identifier MCAI–2021–01050–T]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2021–09–13, which applies to certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. AD 2021–09–13 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2021–09–13, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would revise the applicability by adding airplanes. This proposed AD would also continue to require the actions in AD 2021–09–13 and require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. 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 23, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0396.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0396; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@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–2022–0396; Project Identifier MCAI–2021–01050–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 Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@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 2021–09–13, Amendment 39–21527 (86 FR 27031, May 19, 2021) (AD 2021–09–13), for certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. AD 2021–09–13 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2021–09–13 to prevent reduced structural integrity of the airplane.

Actions Since AD 2021–09–13 Was Issued

Since the FAA issued AD 2021–09–13, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0212, dated September 17, 2021 (EASA AD 2021–0212) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all ATR—GIE Avions de Transport Régional Model ATR42–400 and –500 airplanes. Model ATR42–400 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after March 4, 2021, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to prevent reduced structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0212 describes new or more restrictive airworthiness limitations for airplane structures and for safe life limits of the components, among other actions not required by this AD.

This AD would also require EASA AD 2020–0263, dated December 1, 2020, which the Director of the Federal Register approved for incorporation by reference as of June 23, 2021 (86 FR 27031, May 19, 2021).

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

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA has evaluated all pertinent information and determined an unsafe condition exists and is likely

to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would retain the requirements of AD 2021–09–13. This proposed AD would also revise the applicability by adding airplanes and require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2021–0212 described previously, as proposed for incorporation by reference. Revising the existing maintenance or inspection program, as specified in EASA AD 2021–0212, would terminate the retained requirements in AD 2021–09–13. Any differences with EASA AD 2021–0212 are identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0212 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0212 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0212 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0212. Service information required by EASA AD 2021–0212 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0396 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections), intervals, or CDCCLs/or intervals may be used unless the actions, intervals, and CDCCLs/actions and intervals are approved as an Alternative Methods of Compliance (AMOC) in accordance with the procedures specified in the AMOCs paragraph under ''Additional FAA Provisions.'' This new format includes a ''New Provisions for Alternative Actions, Intervals, and CDCCLs/Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action, interval, or CDCCL/action or interval.

Costs of Compliance

The FAA estimates that this proposed AD affects 9 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2021–09–13 to be $7,650 (90 work-hours × $85 per work-hour).

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

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The 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) 2021–09–13, Amendment 39–21527 (86 FR 27031, May 19, 2021); and

■ b. Adding the following new AD:

ATR—GIE Avions de Transport Régional: Docket No. FAA–2022–0396; Project Identifier MCAI–2021–01050–T.

(a) Comments Due Date

The FAA must receive comments by May 23, 2022.

(b) Affected ADs

This AD replaces AD 2021–09–13, Amendment 39–21527 (86 FR 27031, May 19, 2021) (AD 2021–09–13).

(c) Applicability

This AD applies to ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before March 4, 2021.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to prevent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a Revised Paragraph Reference and a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2021–09–13, with a revised paragraph reference and a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness dated on or before July 7, 2020: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0263, dated December 1, 2020 (EASA AD 2020–0263). Accomplishing the maintenance or inspection program revision required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2020–0263, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2021–09–13, with no changes. For airplanes with an original airworthiness certificate or original export certificate of airworthiness dated on or before July 7, 2020, the following exceptions apply:

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0263 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2020–0263 specifies revising ''the approved AMP [Aircraft Maintenance Program]'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after June 23, 2021 (the effective date of AD 2021–09–13).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2020–0263 is at the applicable ''thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2020–0263, or within 90 days after June 23, 2021 (the effective date of AD 2021–09–13), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2020–0263 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2020–0263 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2021–09–13, with a new exception. Except as required by paragraphs (j) and (k) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0263.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0212, dated September 17, 2021 (EASA AD 2021–0212). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2021–0212

(1) Where EASA AD 2021–0212 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0212 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0212 specifies revising ''the approved AMP [Aircraft Maintenance Program]'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0212 is at the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0212, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) and (5) of EASA AD 2021–0212 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0212 does not apply to this AD.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0212.

(m) Additional FAA AD Provisions

The following provisions also apply to this AD:

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

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

(n) Related Information

(1) For EASA AD 2021–0212, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on

the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0396.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

Issued on April 4, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07470 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0399; Project Identifier MCAI–2021–00983–T]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 190–100 ECJ airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary and that some life limits on some components used on the main landing gear (MLG) may not be properly controlled, due to interchanging those parts between airplane models with different operational loads during repair or overhaul. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; reviewing maintenance records of the MLG assemblies to determine if any life-limited item has been replaced and reporting those findings; and re-identifying the MLG assemblies and certain components; as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is proposed for incorporation by reference. This proposed AD would also prohibit installing certain part numbers. 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 23, 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 material that will be incorporated by reference (IBR) in this AD, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/.* You may find this material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0399.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0399; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Krista Greer, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@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–2022–0399; Project Identifier MCAI–2021–00983–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 Krista Greer, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@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 ANAC, which is the aviation authority for Brazil, has issued ANAC AD 2021–08–01, effective August 31, 2021 (ANAC AD 2021–08–01) (also referred to as the MCAI), to correct an unsafe condition for certain Embraer S.A. Model ERJ 190–100 ECJ airplanes.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary and that some life limits on some structural parts (components) used on the MLG may not be properly controlled, due to interchanging those parts between airplane models with different operational loads. Structural parts and life limited items used in commercial versions of Models ERJ 190–100 and ERJ 190–200 airplanes are common to the ones used on Model ERJ 190–100 ECJ (Lineage 1000) airplanes. Although the MLG assemblies are not interchangeable between models, some components (*e.g.* pins and bolts) of the MLG assemblies can be exchanged between models; this exchange may have happened during repair or overhaul of an MLG assembly. While these models have similar designs, their usage is very different. Life limits for airplane parts are based on fatigue tests, which simulate typical usage for the airplane. These fatigue tests are based on the entire MLG assembly remaining the same, not on components of the MLG assembly being interchanged partway through the test. Since the operational loads are different for each airplane model, an adequate life limit may not be properly controlled in this scenario. Therefore, ANAC has determined that the MLG assemblies that cannot be interchanged must be re-identified for use only on Model ERJ 190–100 ECJ airplanes, and the components that may have been interchanged must also be re-identified and tracked. Embraer S.A. and ANAC will use the reports required by this proposed AD to analyze the data and determine if the life limits for the MLG assemblies or their components need to be revised based on components being interchanged between models. The FAA is proposing this AD to address potentially inadequate life limits on the MLG due to different operational loads, which could impact the structural integrity of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

ANAC AD 2021–08–01 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits; reviewing maintenance records of the MLG side stay assembly and the MLG shock strut assembly to determine if any life-limited item has been replaced and reporting those findings; and reidentifying certain part numbers of the MLG side stay assembly and the MLG shock strut assembly and their components. ANAC AD 2021–08–01 also specifies prohibiting the installation of certain part numbers. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; reviewing maintenance records of the MLG side stay assembly and the MLG shock strut assembly to determine if any life-limited item has been replaced and reporting those findings; and re-identifying the MLG side stay assembly and the MLG shock strut assembly and certain components; which are specified in ANAC AD 2021–08–01 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit installing certain part numbers.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate ANAC AD 2021–08–01 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with ANAC AD 2021–08–01 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by ANAC AD 2021–08–01 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0399 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in the AMOCs paragraph under ''Additional FAA Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Interim Action

The FAA considers this proposed AD interim action. The inspection reports required by this proposed AD will enable the manufacturer to gain better insight into the extent to which components have been interchanged between models and determine if

additional actions are required to address the identified unsafe condition. Based on the result of the manufacturer's analyses, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this proposed AD would affect 10 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

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

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
6 work-hours × $85 per hour = $510	$0	$510	$5,100

* Table does not include estimated costs for reporting and revising the existing maintenance or inspection program.

The FAA estimates that it would take about 1 work-hour per product to comply with the proposed reporting requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting on U.S. operators to be $850, or $85 per product.

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

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA 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 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:

Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.): Docket No. FAA–2022–0399; Project Identifier MCAI–2021–00983–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 23, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.) Model ERJ 190–100 ECJ airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2021–08–01, effective August 31, 2021 (ANAC AD 2021–08–01).

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks; 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness

limitations are necessary and that some life limits on some structural parts used on the main landing gear (MLG) may not be properly controlled, due to interchanging those parts between airplane models with different operational loads during repair or overhaul. The FAA is issuing this AD to address potentially inadequate life limits on the MLG due to different operational loads, which could impact the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2021–08–01.

(h) Exceptions to ANAC AD 2021–08–01

(1) Where ANAC AD 2021–08–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) The initial compliance time for doing the tasks specified in paragraph (a) of ANAC AD 2021–08–01 is no later than the applicable ''life limit cycles'' specified in the service information referenced in ANAC AD 2021–08–01, or within 90 days after the effective date of this AD, whichever occurs later.

(3) Paragraph (b) of ANAC AD 2021–08–01 specifies to report inspection results to Embraer within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 90 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(4) The ''Alternative Method of Compliance (AMOC)'' section of ANAC AD 2021–08–01 does not apply to this AD.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed, unless they are approved as specified in paragraph (a) of ANAC AD 2021–08–01.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(k) Related Information

(1) For ANAC AD 2021–08–01, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/.* You may find this ANAC AD on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0399.

(2) For more information about this AD, contact Krista Greer, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3221; email *krista.greer@faa.gov.*

Issued on April 4, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07472 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0397; Project Identifier MCAI–2021–01354–A]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Piaggio Aero Industries S.p.A. (Piaggio) Model P–180 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as altimetry system errors in the air data computers (ADCs) and stand-by instrument systems. This proposed AD would require amending the existing airplane flight manual (AFM), installing improved ADCs and a detachable configuration module (DCM), and revising the existing instructions for continued airworthiness. 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 23, 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 Piaggio Aero Industries S.p.A., Dominico Noceti, Pionieri e Aviatori d'Italia snc, Genoa, 16154, Italy; phone: +39 335 810 59 20; email: *DNoceti@piaggioaviation.it;* website: *https://www.technicalsupport@piaggioaerospace.it.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0397; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aviation Safety Engineer,

General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; email: *mike.kiesov@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 the **ADDRESSES** section. Include ''Docket No. FAA–2022–0397; Project Identifier MCAI–2021–01354–A'' 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 NPRM 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 AD. Submissions containing CBI should be sent to Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106. 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 European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0269, dated October 29, 2019 (referred to after this as ''the MCAI''), to address the unsafe condition on Piaggio Model P.180 Avanti II airplanes. The MCAI states:

> During monitoring of P.180 Avanti II fleet by EUROCONTROL (checks performed by Air Traffic Control stations) a mean altimetry system error and some singular measurement exceedances were reported being outside of limits defined by rules applicable to Reduced Vertical Separation Minimum (RVSM) airworthiness standards. Subsequent investigation determined that the static source error correction curves embedded in the ADC of pilot and co-pilot, as well as in the stand-by instrument system, did not ensure the required RVSM performance of the aeroplane.
>
> This condition, if not corrected, could lead to delivery [of] erroneous air data information and consequent impairment of aeroplane altitude-keeping capability, possibly resulting in a mid-air collision within RVSM airspace.
>
> To address this potential unsafe condition, Piaggio issued the AFM TC [Temporary Change No. 107] introducing additional limitations for operation within RVSM airspace and issued the SB [Piaggio Aerospace Service Bulletin 80–0467] providing instructions to modify the aeroplane.
>
> For the reasons described above, this [EASA] AD requires amendment of the AFM and modification of the aeroplane by installing improved ADCs and DCM.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0397.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Piaggio Aero Industries S.p.A. A.S. Service Bulletin No. 80–0467, Revision 2, dated March 6, 2020, which specifies procedures for replacing the two ADCs and the DCM with improved parts.

The FAA also reviewed Piaggio Aviation P.180 Avanti II/EVO Temporary Change No. 107, dated September 17, 2019, which updates the limitations section of the AFM by prohibiting operations in RVSM airspace if the ADCs and DCM have not been replaced.

In addition, the FAA reviewed Piaggio Aviation P.180 Avanti EVO Maintenance Manual Temporary Revision No. 126, dated June 6, 2019, which updates and adds certain tasks for the navigation system.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Differences Between This Proposed AD and the MCAI

The MCAI requires informing all flight crews of the AFM revision and operating accordingly thereafter, and this proposed AD would not because those actions are already required by FAA operating regulations.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 101 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 airplane	Cost on U.S. operators
Revise AFM	1 work-hour × $85 per hour = $85	Not Applicable	$85	$8,585
Update Maintenance Manual	1 work-hour × $85 per hour = $85	Not Applicable	85	8,585
Replace two ADCs and one DCM	16 work-hours × $85 per hour = $1,360	$21,900	23,260	2,349,260

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) Would not be 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:

Piaggio Aero Industries S.p.A.: Docket No. FAA–2022–0397; Project Identifier MCAI–2021–01354–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 23, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piaggio Aero Industries S.p.A. Model P–180 airplanes, serial number (S/N) 1002 and S/Ns 1105 through 3010 inclusive, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3417, Air Data Computer.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI identifies the unsafe condition as altimetry system errors in the air data computers (ADCs) and stand-by instrument systems. The FAA is issuing this AD to prevent a mean altimetry system error measurement from exceeding the limits defined for operations within airspace designed as reduced vertical separation minimum (RVSM) airspace. The unsafe condition, if not addressed, could result in a potential mid-air collision within RVSM airspace.

(f) Compliance

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

(g) Required Actions

(1) Within 24 months after the effective date of this AD, revise the Limitations section of the existing airplane flight manual (AFM) for your airplane by adding the information in Piaggio Aviation P.180 Avanti II/EVO Temporary Change No. 107, dated September 17, 2019. Using a different document with language identical to that on page 2–33–bis or 2–33.C–bis (as applicable to the S/N of your airplane) of Piaggio Aviation P.180 Avanti II/EVO Temporary Change No. 107, dated September 17, 2019, is acceptable for compliance with this requirement.

(2) Within 660 hours time-in-service after the effective date of this AD or 24 months after the effective date of this AD, whichever occurs first, modify the airplane by replacing the ADCs and detachable configuration module (DCM) in accordance with the Accomplishment Instructions, paragraphs (5) through (14), of Piaggio Aero Industries S.p.A. A.S. Service Bulletin No. 80–0467, Revision 2, dated March 6, 2020, and revise the instructions for continued airworthiness for your airplane by incorporating the information in Piaggio Aviation P.180 Avanti EVO Maintenance Manual Temporary Revision No. 126, dated June 6, 2019.

(3) The AFM revision required by paragraph (g)(1) of this AD, if included, may be removed after completing the actions required by paragraph (g)(2) of this AD.

(4) As of the effective date of this AD, do not install on any airplane an ADC part number (P/N) 822–1109–018, DCM P/N 501–1870–31, or DCM P/N 501–1870–51.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Mike Kiesov, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4144; email: *mike.kiesov@faa.gov.*

(2) Refer to MCAI European Union Aviation Safety Agency (EASA) AD 2019–0269, dated October 29, 2019, for related information. You may examine the EASA AD at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0397.

(3) For service information identified in this AD, contact Piaggio Aero Industries S.p.A., Dominico Noceti, Pionieri e Aviatori d'Italia snc, Genoa, 16154, Italy; phone: +39 335 810 59 20; email: *DNoceti@piaggioaviation.it;* website: *https://www.technicalsupport@piaggioaerospace.it.* You may review this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on April 4, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–07455 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0332; Airspace Docket No. 22–AEA–4]

Proposed Revocation of Class E Airspace; East Stroudsburg, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace in East Stroudsburg, PA, as Stroudsburg-Pocono Airport has been abandoned, and controlled airspace is no longer required. This action would enhance the safety and management of controlled airspace within the national airspace system.

DATES: Comments must be received on or before May 23, 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 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2021–0332; Airspace Docket No. 22–AEA–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 Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267–8783.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would remove Class E airspace extending upward from 700 feet above the surface at Stroudsburg-Pocono Airport, East Stroudsburg, PA due to the closing of the airport.

Comments Invited

Interested persons are invited to comment on this rule 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–2021–0332 and Airspace Docket No. 22–AEA–4) and be submitted in triplicate to the DOT Docket Operations (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *https://www.regulations.gov.*

Persons 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–2021–0332; Airspace Docket No. 22–AEA–4.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. 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 the **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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to 14 CFR 71 to remove Class E airspace extending upward from 700 feet above the surface at Stroudsburg-Pocono Airport, East Stroudsburg, PA, as the airport has closed. Therefore, the airspace is no longer necessary.

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

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

Regulatory Notices and Analyses

The FAA has determined that this 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 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 would 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.

Lists 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 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 Federal Aviation Administration Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

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

* * * * *

AEA PA E5 East Stroudsburg, PA [Removed]

Issued in College Park, Georgia, on April 4, 2022.

Andreese C. Davis,

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

[FR Doc. 2022–07438 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0317; Airspace Docket No. 21–AAL–63]

RIN 2120–AA66

Proposed Modification of Class D and E Airspace, and Proposed Removal of Class E Airspace; King Salmon Airport, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D and Class E surface area airspace, and the Class E airspace extending upward from 700 feet above the surface at King Salmon Airport, King Salmon, AK. Additionally, the FAA proposes to remove the Class E airspace designated as an extension to Class D or Class E airspace, as it is no longer required. Furthermore, this action proposes to remove a navigational aid (NAVAID) from the legal description of the Class E5 text header. Lastly, this action proposes administrative updates to the Class D and Class E legal descriptions. These actions will ensure the safety and management of instrument flight rules (IFR) and visual flight rules (VFR) operations at the airport.

DATES: Comments must be received on or before May 23, 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: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2022–0317; Airspace Docket No. 21–AAL–63, 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 Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would modify Class D and Class E airspace at King Salmon Airport, AK, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2022–0317; Airspace Docket No. 21–AAL–63''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking

documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class D and Class E surface airspace, modifying the Class E airspace extending upward from 700 feet above the surface, and removing the Class E4 airspace designated as a Class D or Class E2 surface area extension at King Salmon Airport, King Salmon, AK.

Both the Class D and Class E surface areas require an increase in radius to properly contain departures until reaching 700 feet above the surface, contain IFR arrivals descending below 1,000 feet above the surface, and to contain circling maneuvers at the airport. In addition, an extension to the Class D and Class E surface areas is needed to the southeast of the airport due to rising terrain. This proposed extension would contain IFR departures until reaching 700 feet above the surface.

In addition, the FAA proposes a shelf be added to the Class D and Class E surface areas. The shelf will allow for floatplane operations to and from the Naknek River when weather is below VFR minimums at the airport.

The King Salmon Class E4 airspace, designated as an extension to Class D and Class E surface areas, is no longer needed and the FAA proposes to remove the airspace.

The FAA proposes to modify the Class E airspace extending upward from 700 feet at King Salmon Airport. The current radius, which contains departing aircraft until reaching 1,200 feet above ground level (AGL), should be reduced, as the extra coverage is not needed. The areas to the southeast and northwest of the airport should be reduced to more appropriately contain the points at which an arriving aircraft would normally descend below 1,500 AGL.

The FAA proposes to increase the ceiling of the airspace to 2,600 feet mean sea level (MSL) to account for the 73 foot airport elevation. Class D areas should normally extend upward from the surface up to and including 2,500 feet AGL. The altitude must be converted to MSL and rounded to the nearest 100 feet.

Furthermore, this action also proposes to remove the King Salmon VORTAC from the Class E5 text header and the airspace description. The NAVAID is not required to describe the airspace area, and the removal of the NAVAID simplifies the airspace's legal description.

Finally, the FAA proposes several administrative modifications to the King Salmon Airport legal descriptions. The City name should be removed from the second line of the Class D, Class E2, and Class E5 airspace legal descriptions. The second line should read: ''King Salmon Airport, AK.'' Additionally, the current Class D and Class E surface area legal descriptions require modification to replace the use of the phrases ''Notice to Airmen'' and ''Airport/Facility Directive.'' These phrases should read ''Notice to Air Missions'' and ''Chart Supplement,'' respectively, in both legal descriptions.

Class D, Class E2, Class E4 and Class E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AAL AK D King Salmon, AK [Amended]

King Salmon Airport, AK

(Lat. 58°40′35″ N, long. 156°38′55″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 5.3-mile radius of the King Salmon Airport, AK, and within 1.1 miles each side of the 132° bearing extending from the 5.3-mile radius to 6.2 miles southeast of the airport, excluding that airspace 600 feet MSL

and below within 1.5 miles each side of the 132° bearing extending from the 4.4-mile radius to the 5.3-mile radius of the airport, and excluding that airspace 600 feet MSL and below within 1.1 miles each side of the 132° bearing extending from the 5.3-mile radius to 6.2 miles southeast of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AAL AK E2 King Salmon, AK [Amended]

King Salmon Airport, AK
(Lat. 58°40′35″ N, long. 156°38′55″ W)

That airspace extending upward from the surface within a 5.3-mile radius of the King Salmon Airport, AK, and within 1.1 miles each side of the 132° bearing extending from the 5.3-mile radius to 6.2 miles southeast of the airport, and excluding that airspace 600 feet MSL and below within 1.5 miles each side of the 132° bearing extending from the 4.4-mile radius to the 5.3-mile radius of the airport, and excluding that airspace 600 feet MSL and below within 1.1 miles each side of the 132° bearing extending from the 5.3-mile radius to 6.2 miles southeast of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

AAL AK E4 King Salmon, AK [Removed]

King Salmon Airport, AK
(Lat. 58°40′35″ N, long. 156°38′55″ W)

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

* * * * *

AAL AK E5 King Salmon, AK [Amended]

King Salmon Airport, AK
(Lat. 58°40′35″ N, long. 156°38′55″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of King Salmon Airport, AK, and within 3.3 miles northeast and 3.2 miles southwest of the 132° bearing extending from the 6.8-mile radius to 9.1 miles southeast of the airport, and within 3.9 miles each side of the 312° bearing extending from the 6.8-mile radius to 13.8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the King Salmon Airport, AK, excluding that airspace extending beyond 12 miles of the shoreline.

Issued in Des Moines, Washington, on April 4, 2022.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2022–07481 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0915]

RIN 1625–AA00

Safety Zones for Parallel Thimble Shoal Tunnel Project on the Chesapeake Bay Bridge Tunnel; Chesapeake Bay, VA

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary safety zones for certain waters of the Chesapeake Bay. This action is necessary to provide for the safety of life on these navigable waters near the Chesapeake Bay Bridge Tunnel (CBBT), linking Southeastern Virginia to the Eastern Shore, during an already ongoing construction project on the CBBT. This proposed rulemaking would prohibit persons and vessels from operating within 500 feet of the construction area unless authorized by the Captain of the Port (COTP) Sector Virginia or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 23, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0915 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 LCDR Ashley Holm, Sector Virginia, Waterways Management Division, U.S. Coast Guard, Telephone: (757) 668–5581; Email: *virginiawaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CBBT Chesapeake Bay Bridge Tunnel
CFR Code of Federal Regulations
COTP Captain of the Port Sector Virginia
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

In December, 2021, the COTP was notified by project management for the Parallel Thimble Shoals Tunnel Project that construction work in vicinity of the CBBT's southern two islands, South Thimble Island and North Thimble Island, creates hazards to the maritime public and recommended the establishment of safety zones. Hazards include the operation of heavy machinery and loads suspended by cranes over the waters surrounding the islands and attached structures. Specifically, safety concerns were raised that involved kayakers and vessels fishing in the vicinity of the construction site despite posted signs indicating not to approach the site within 500 feet. The COTP has determined that potential hazards associated with the construction equipment used in this project creates a safety concern for those transiting within 500 feet of the project site. This construction project has been ongoing for 4 years, workers are present at all hours and the work is projected to continue for the next 5 years.

This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the bridge tunnel is under construction. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish two temporary safety zones extending 500 feet in all directions from the edge of both South Thimble Island and North Thimble Island. These islands are located approximately 3.3 miles and 4.5 miles respectively, from the shores of Virginia Beach, Virginia, along Highway 13, and serve as the ends of what is commonly called the Chesapeake Bay Bridge [southern] Tunnel. The safety zones would be in effect until January 31, 2027. No vessel or person would be permitted to enter either of the safety zones without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on its minimal impact to the local economy, as any fishery needing to use these waters can be accommodated by the two other man-made islands approximately 5 miles to the north and the attached 15 miles of bridge trestle which are not covered with construction equipment, and therefore will not be covered by these safety zones.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of safety zones to protect the public from hazards created by ongoing construction work. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A 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–2021–0915 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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0915 to read as follows:

§ 165.T05–0915 Safety Zones; Chesapeake Bay Bridge Tunnel, Chesapeake Bay Entrance, VA.

(a) *Location.* The following areas are safety zones:

(1) Any waters located within 500 feet in all directions from the edge of South Thimble Island. South Thimble Island is located approximately 3.3 miles north of the shores of Virginia Beach on Highway 13, also known as the Chesapeake Bay Bridge Tunnel (CBBT).

(2) Any waters located within 500 feet in all directions from the edge of North Thimble Island. North Thimble Island is located approximately 4.5 miles north of Virginia Beach on Highway 13.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Virginia (COTP) in the enforcement of the safety zones. The term also includes an employee or contractor of Chesapeake Tunnel Joint Venture (CTJV) for the sole purpose of designating and establishing safe transit corridors, to permit passage into or through these safety zones, or to notify vessels and individuals that they have entered a safety zone and are required to depart immediately.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, no vessel or person may enter or remain in any safety zone described in paragraph (a) of this section unless authorized by the COTP, or designated representative. If a vessel or person is notified by the COTP, or designated representative that they have entered one of these safety zones without permission, they are required to immediately depart in a safe manner following the directions given.

(2) Mariners requesting to transit any of these safety zones must first contact the CTJV designated representatives, CTJV Marine General Superintendant by phone at 361–244–8852, CTJV Safety Director at 702–415–8600, or CTJV Construction Manager at 757–782–7741. CTJV will be monitoring VHF–FM channels 13 and 16 while work is ongoing. If permission is granted, mariners must proceed at their own risk and strictly observe any and all instructions provided by the COTP, or designated representative to the mariner regarding the conditions of entry to and exit from any location within the fixed safety zones.

(d) *Enforcement.* The Sector Virginia COTP may enforce the regulations in this section and may be assisted by any Federal, state, county, or municipal law enforcement agency.

(e) *Enforcement period.* This section will be enforced until January 31, 2027, unless cancelled sooner by the COTP.

Dated: April 04, 2022.

Samson C. Stevens,

Captain, U.S. Coast Guard, Captain of the Port Sector Virginia.

[FR Doc. 2022–07540 Filed 4–7–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0181]

RIN 1625–AA00

Safety Zone; Demolition of Gerald Desmond Bridge; Long Beach, California

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for waters near Gerald Desmond Bridge during demolition. This action is necessary to provide for the safety of life on these navigable waters near Long Beach, CA, during period where the over-the-water portion of the Gerald Desmond Bridge will be subject to demolition from May 7, through May 9, 2022. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port (COTP), Los Angeles-Long Beach, or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before April 25, 2022.

ADDRESSES: You may submit comments identified by docket number USCG 2022–0181 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 LCDR Maria Wiener at Sector Los Angeles-Long Beach Waterways Management Branch at (310) 521–3860 or email *D11-SMB-SectorLALB-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On March 3, 2022, the Port of Long Beach notified the Coast Guard that it will be conducting demolition of the

Gerald Desmond Bridge from 12:01 a.m. on May 7, 2022, to 11:59 p.m. on May 9, 2022. The demolition will take place at mile 3.3 over Long Beach Harbor on the section of the bridge that is over the water. Hazards from demolition include falling debris and construction work conducted on a barge that will be moored in such a way that it blocks the entire channel. The Captain of the Port (COTP), Los Angeles-Long Beach has determined that potential hazards associated with the demolition of the replacement and removal of Gerald Desmond Bridge would be a safety concern for anyone within a 100-yard radius of the bridge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 100-yard radius of the Gerald Desmond Bridge before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).]

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 12:01 a.m. on May 7, 2022, to 11:59 p.m. on May 9, 2022, with a contingency date of May 14 through May 16, 2022. The safety zone would cover all navigable within 100-yards of the over-water portion of the Gerald Desmond Bridge, located approximately at mile 3.3 over Long Beach Harbor, CA. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled demolition. There will be no maritime access to transit to and from middle harbor Long Beach to inner harbor Long Beach in vicinity of the Gerald Desmond Bridge. A contingency time window for the 48-hour closure would start at 12:01 a.m. on May 14, 2022, and end at 11:59 p.m. on May 16, 2022, in case of an unexpected event forcing a change in schedule. The COTP would announce the dates and times of enforcement via local notice to mariners. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on potential hazards associated with the demolition of the replacement and removal of Gerald Desmond Bridge.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on

the human environment. This proposed rule involves a safety zone lasting 48 hours that would prohibit entry within 100-yards of the potential hazards associated with the demolition of the replacement and removal of the over-water portion of the Gerald Desmond Bridge. Normally such actions are categorically excluded from further review under paragraph L 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–2022–0181 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–0181 to read as follows:

§ 165.T11–0181 Safety Zone; Demolition of Gerald Desmond Bridge; Long Beach, California.

(a) *Location.* The safety zone covers all navigable waters within 100-yards of the over-the-water portion of the Gerald Desmond Bridge, located approximately at mile 3.3 over Long Beach, CA.

(b) *Effective period.* This section is effective from 12:01 a.m. on May 7, 2022 until 11:59 p.m. on May 16, 2022.

(c) *Enforcement period.* This section will be enforced from 12:01 a.m. on May 7, 2022 through 11:59 p.m. on May 9, 2022. In case of unexpected events, a contingency enforcement time window for the 48-hour closure starts at 12:01 a.m. on May 14, 2022, and ends at 11:59 p.m. on May 16, 2022.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Los Angeles Long Beach (COTP) or designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard (USCG) assigned to units under the operational control of the COTP.

(2) In the event of an emergency, vessels requiring entry into the safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's representative by telephone at (310) 521–3801 or on VHF–FM channel 16. To coordinate the movement of vessel traffic, vessel operators may contact the Jacobsen Pilot Station at (562) 432–0664 or the Water Traffic Coordinator, Andres Velasco, at (602) 376–5765.

(3) Persons and vessels permitted to enter the safety zone must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public when the safety zone is being enforced via a Broadcast Notices to Mariners.

Dated: April 1, 2022.

R.E. Ore,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles Long Beach.

[FR Doc. 2022–07504 Filed 4–7–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 512

[CMS–5527–P2]

RIN 0938–AT89

Radiation Oncology (RO) Model

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, (HHS).

ACTION: Proposed rule.

SUMMARY: We are proposing to delay the current start date of the RO Model to a date to be determined through future rulemaking, and to modify the definition of the model performance period to provide that the start and end dates of the model performance period for the RO Model will be established in future rulemaking.

DATES: To be assured consideration, comments must be received at one of the addresses specified in the **ADDRESSES** section, by June 7, 2022.

ADDRESSES: In commenting, please refer to file code CMS–5527–P2.

Comments, including mass comment submissions, must be submitted in one

of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–5527–P2, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–5527–P2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Rebecca Cole at Contact *RadiationTherapy@cms.hhs.gov* or 1–844–711–2664, Option 5.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *https://www.regulations.gov.* Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm any individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

We are committed to promoting higher quality of cancer care and improving outcomes for Medicare beneficiaries while reducing costs. As part of that effort, the Biden-Harris Administration has taken a number of steps to improve the care of Medicare cancer patients, most notably with the President's cancer agenda and the Cancer Moonshot. Additionally, the CMS Innovation Center's Oncology Care Model (OCM) focuses on patients with cancer who receive chemotherapy. In late 2019, the CMS Innovation Center released an informal Request for Information on a potential future oncology value-based model after OCM ends, and we look forward to providing additional information as soon as possible.

In December 2015, Congress passed the Patient Access and Medicare Protection Act (Pub. L. 114–115) and section 3(b) of this legislation required the Secretary of the Department of Health and Human Services to submit to Congress a report, no later than 18 months after enactment, on ''the development of an episodic alternative payment model'' for payment under the Medicare program for radiation therapy (RT) services. We released the 2017 Report To Congress: ''Episodic Alternative Payment Model for Radiation Therapy Services,'' which laid out the potential for reforming the way Medicare pays for radiation oncology. Based on that work, using our authority under section 1115A of the Social Security Act, we published a proposed rule, titled ''Medicare Program; Specialty Care Models to Improve Quality of Care and Reduce Expenditures'' (84 FR 34478), which included a proposal for implementing a mandatory model for radiation oncology services (the RO Model) (84 FR 34490 through 34535). The RO Model was designed to test whether making site-neutral, prospective, episode-based payments to hospital outpatient departments, physician group practices, and freestanding radiation therapy centers for RT episodes of care would preserve or enhance the quality of care furnished to Medicare beneficiaries while reducing or maintaining Medicare program spending.

We published a final rule titled ''Medicare Program; Specialty Care Models to Improve Quality of Care and Reduce Expenditures'' that appeared in the September 29, 2020 **Federal Register** (85 FR 61114) (hereinafter referred to as the ''Specialty Care Models final rule''). In that final rule, we codified policies at 42 CFR part 512 subparts A and B that included a finalized RO Model with a model performance period that was to begin January 1, 2021 and end December 31, 2025 (85 FR 61367). We finalized that each performance year (PY) would be the 12-month period beginning on January 1 and ending on December 31 of each calendar year (CY) during the model performance period, and no new RO episodes may begin after October 3, 2025, in order for all RO episodes to end by December 31, 2025.

Due to the public health emergency for the Coronavirus disease 2019 (COVID–19) pandemic, we revised the RO Model's model performance period at 42 CFR 512.205 to begin on July 1, 2021, and to end December 31, 2025 giving RO participants an additional 6 months to prepare for the RO Model. We implemented the revised model period via interim final regulations included in the final rule with comment period and interim final rule with comment period that appeared in the December 29, 2020 **Federal Register** titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots, Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals (CAHs) to Report COVID–19 Therapeutic Inventory and Usage and to Report Acute Respiratory Illness During the Public Health Emergency (PHE) for Coronavirus Disease 2019 (COVID–19)'' (85 FR 85866) (hereinafter referred to as ''CY 2021 OPPS/ASC IFC'').

Section 133 of the Consolidated Appropriations Act (CAA), 2021 (Pub. L. 116–260) (hereinafter referred to as ''CAA, 2021''), enacted on December 27, 2020, included a provision that prohibited implementation of the RO Model before January 1, 2022. This Congressional action superseded the start date of the model performance period of July 1, 2021 established in the CY 2021 OPPS/ASC IFC. To align the RO Model regulations with the requirements of the CAA, 2021, we proposed to modify the definition of ''model performance period'' in 42 CFR 512.205 to provide for a 5-year model performance period starting on January 1, 2022, unless the RO Model is prohibited by law from starting on January 1, 2022, in which case the model performance period would begin on the earliest date permitted by law that is January 1, April 1, or July 1. We also proposed other modifications both related to and unrelated to the timing of the RO Model in the proposed rule that appeared in the August 4, 2021 **Federal Register** titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical

Center Payment Systems and Quality Reporting Programs; Price Transparency of Hospital Standard Charges; Radiation Oncology Model; Request for Information on Rural Emergency Hospitals'' (86 FR 42018). These provisions were finalized in a final rule with comment period titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Price Transparency of Hospital Standard Charges; Radiation Oncology Model'' that appeared in the November 16, 2021 **Federal Register** (86 FR 63458) (hereinafter referred to as the ''CY 2022 OPPS/ASC FC'').

On December 10, 2021, the Protecting Medicare and American Farmers from Sequester Cuts Act (Pub. L. 117–71) was enacted, which included a provision that prohibits implementation of the RO Model prior to January 1, 2023. The November 2021 final rule with comment specified that the model performance period would begin on January 1, 2022 unless the RO Model was prohibited by law from beginning on January 1, 2022, in which case the model performance period would begin on the earliest date permitted by law that is January 1, April 1, or July 1. As a result, under the current definition for model performance period at 42 CFR 512.205, the RO Model will start on January 1, 2023, because that date is the earliest date permitted by law. Given the multiple delays to date, and because both CMS and RO participants must invest operational resources in preparation for implementation of the RO Model, we have considered how best to proceed under these circumstances.

II. Provisions of the Proposed Regulations

A. Proposed Model Performance Period

We continue to believe that the RO Model would address long-standing concerns related to RT delivery and payment, including the lack of site neutrality for payments, incentives that encourage volume of services over the value of services, and coding and payment challenges. We believe the RO Model would provide payment stability and promote high-quality care for Medicare beneficiaries. We note that we have heard that the RO Model is valuable and needed in the radiation oncology space from some stakeholders and that some RT providers and RT suppliers selected to be RO participants are dedicated to preparing for implementation of the RO Model.

However, given that there have been two legislative delays of the RO Model, the operational resources required of CMS and RO participants to continue to prepare for the RO Model before it can be implemented, and some stakeholders' comments that they would not support the RO Model unless specific changes were made, we are proposing to delay the start of the RO Model to a date to be determined through future rulemaking and to modify the definition of model performance period at 42 CFR 512.205 to reflect this policy. We would plan to propose a start date through rulemaking and modify the definition of model performance period at 42 CFR 512.205 to reflect this proposed start date no less than 6 months prior to that proposed start date.

As noted previously, Congress has delayed the RO Model twice. There is a substantial cost to continue funding preparation for implementation of the RO Model in 2023. For example, funding is needed for CMS to prepare for participant onboarding, claims systems changes, and updates to the data used in the Model's design and participant-specific payment amounts, among a number of other activities. The cost of the operational funding needed to continue to prepare to implement the RO Model takes resources away from the development of other alternative payment models, particularly when it is not known whether there may be further legislative delays to the start of the RO Model.

Additionally, those entities selected to be RO participants continue to make good faith efforts to prepare to implement the RO Model, which may involve financial, operational, and administrative investment and resources. Given multiple delays and uncertainty about the timing of the RO Model, delaying the RO Model indefinitely will give RO participants the ability to pause their efforts to prepare for implementation of the RO Model. We welcome additional dialogue with RO participants and stakeholders about Medicare payment for RT services.

Further, RO participants and stakeholders have requested additional changes to the RO Model's payment methodology and to other aspects of the RO Model design and participation requirements, such as lower discounts while keeping the geographic scope of the Model the same. In the CY 2022 OPPS/ASC FC, we summarized comments regarding the discounts. No commenters agreed with the proposed discounts, and many commenters recommended that the discounts be set to 3 percent or less. Those commenters, recommending discounts of 3 percent or less, argued that this would be more in line with other payment models and ensure that RO participants have sufficient capital to remain operational and invest in the necessary resources (human and equipment) to increase efficiency and enhance beneficiary care. As we have informed stakeholders, if the discounts are lowered below 3.5 percent for the professional component and 4.5 percent for the technical component, we would need to expand the geographic scope of the RO Model to be larger than 30 percent of Core Based Statistical Areas (CBSAs) (86 FR 63928 and 63929). If the discount amounts are significantly smaller, all else equal, the projected savings will be smaller, and therefore, the number of CBSAs (and episodes) in the participant group may not be sufficient for CMS to detect an effect of the RO Model with statistical confidence. However, we believe that some stakeholders will not support the RO Model test moving forward with unchanged discounts and as noted previously, these stakeholders have also requested that we not increase the geographic scope of the Model.

Thus, for these reasons, we are proposing to delay the current start date of the RO Model, and to establish the start and end dates for the model through future rulemaking, which may also involve modifications to the model design. We are proposing to modify the definition of the model performance period at 42 CFR 512.205 to reflect this proposed delay, by removing the provision that the RO Model begins on January 1, 2022 and ends on December 31, 2026, unless the RO Model is prohibited by law from starting on January 1, 2022, in which case the model performance period begins on the earliest date permitted by law that is January 1, April 1, or July 1. We are proposing to modify the definition of model performance period to instead specify that CMS will establish the start and end dates of the model performance period for the RO Model through future rulemaking. We note that if we do not finalize this proposal and instead proceed with a start date of January 1, 2023, we do not plan to change the CBSAs selected for participation before that start date.

We are soliciting comments on the proposed delay of the RO Model to a date to be determined through future rulemaking, as well as on our proposed amendments to the definition of the model performance period at 42 CFR 512.205 to reflect this proposed delay.

III. Collection of Information Requirements

As stated in section 1115A(d)(3) of the Social Security Act, Chapter 35 of title 44, United States Code, shall not apply to the testing, evaluation, and expansion of CMS Innovation Center Models. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Analysis

A. Statement of Need

The purpose of this proposed rule is to propose to delay the start of the RO Model to a date yet to be determined, and to modify the definition of model performance period at 42 CFR 512.205. Delaying the start of the RO Model to a date yet to be determined does not change the statement of need for the RO Model as described in the Specialty Care Models final rule (85 FR 61347) and the CY 2021 OPPS/ASC IFC (85 FR 86296) and again in the CY 2022 OPPS/ASC FC (86 FR 63458).

B. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for major rules with significant regulatory actions or with economically significant effects ($100 million or more in any 1 year). Based on our estimates, OMB's Office of Information and Regulatory Affairs has determined this rulemaking is ''significant''. Accordingly, we have prepared an RIA that to the best of our ability presents the costs and benefits of the rulemaking.

C. Detailed Economic Analysis

Delaying the start of the RO Model to a later undetermined date and modifying the regulatory text at 42 CFR 512.205 to reflect this would mean that the annualized/monetarized estimates of costs and transfers policy for the RO Model presented in the CY 2022 OPPS/ASC FC (86 FR 63986) would not be realized at this time.

Similarly, the burden estimates related to implementation of the RO Model presented in the Specialty Care Models final rule (85 FR 61358), the CY 2021 OPPS/ASC IFC (85 FR 86297), and the CY 2022 OPPS/ASC FC (86 FR 63987) would not be realized at this time.

The regulatory impact analysis of the CY 2022 OPPS/ASC FC estimated that on net the RO Model would reduce Medicare spending by $150 million over the 5-year model performance period. This amount is the net Medicare Part B impact that includes both Part B premium and Medicare Advantage United States Per Capita Costs (MA USPCC) rate financing interaction effects. This estimate excludes changes in beneficiary cost sharing liability to the extent it is not a Federal outlay under the policy. These potential impacts were estimated to occur beginning on January 1, 2022 through December 31, 2026, in alignment with a January 1, 2022 model start. Table 1 summarizes the estimated impact of the RO Model with a model performance period that would have begun January 1, 2022, and ended December 31, 2026. Table 2 provides additional information about those expected impacts by year. However, because the RO Model was not implemented on January 1, 2022, as contemplated in the CY 2022 OPPS/ASC FC, such effects have yet not occurred.

TABLE 1—ESTIMATES OF MEDICARE PROGRAM SAVINGS (MILLIONS $) FOR RADIATION ONCOLOGY MODEL

[Starting January 1, 2022]

	Year of model					
	2022	2023	2024	2025	2026	Total *
Net Impact to Medicare Program Spending	−20	−30	−20	−40	−40	−150
Changes to Incurred FFS Spending	−20	−20	−20	−30	−30	−120
Changes to MA Capitation Payments	0	−20	−20	−20	−30	−80
Part B Premium Revenue Offset	0	10	10	10	10	50
Total APM Incentive Payments	0	0	10	0	0	10
Episode Allowed Charges	830	860	900	930	970	4,490
Episode Medicare Payment	650	670	700	730	750	3,500
Total Number of Episodes	53,300	54,900	56,400	58,000	59,600	282,200
Total Number of Beneficiaries	51,900	53,500	54,900	56,500	58,100	250,200

* Negative spending reflects a reduction in Medicare spending, while positive spending reflects an increase.

* Totals may not sum due to rounding and from beneficiaries that have cancer treatment spanning multiple years.

TABLE 2—RADIATION ONCOLOGY MODEL PGP (INCLUDING FREESTANDING RADIATION THERAPY CENTERS) VS HOPD ALLOWED CHARGE IMPACTS 2022 TO 2026 AS COMPARED TO THOSE NOT PARTICIPATING IN THE RO MODEL

% Impact	2022 (percent)	2023 (percent)	2024 (percent)	2025 (percent)	2026 (percent)	2022 to 2026 (percent)
PGP (including freestanding radiation therapy centers)	3.1	4.5	6.0	7.4	8.9	6.3
HOPD	−7.8	−8.8	−9.6	−10.6	−11.6	−9.9

Nevertheless, and notwithstanding the RO Model delay, the analysis uses a baseline in which the RO Model provisions of the CY 2022 OPPS/ASC FC were effective on January 1, 2022, to calculate the monetized estimates of the effects of this proposed rule. We maintain the analytical approach described in the regulatory impact analysis of the CY 2022 OPPS/ASC FC, and, for the purposes of quantifying the effects of this proposed rule, we assume that the regulations at 42 CFR part 512 subpart B as amended by the CY 2022 OPPS/ASC FC will be in full effect if this proposed rule is not finalized. As a result of the delay of the start of the RO Model to a date yet to be determined, this proposed rule would, if finalized, prevent the occurrence of the estimated savings presented in Table 90 of the CY 2022 OPPS/ASC FC at this time. We summarize this result in Table 1 in this section, which illustrates, inversely, the net monetized estimates contained in Table 90 of the CY 2022 OPPS/ASC FC. The period covered shown in Table 1 begins January 2022 in alignment with Table 90 of the CY 2022 OPPS/ASC FC.

As required by OMB Circular A–4 (available at the Office of Management and Budget website at: *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf*), we have prepared an accounting statement in Table 3 showing the classification of the impact associated with the provisions of this proposed rule.

TABLE 3—ACCOUNTING STATEMENT: ESTIMATED IMPACTS FROM CY 2022 TO CY 2026 AS A RESULT OF PROVISIONS OF THIS PROPOSED RULE

Category	Estimates (million)	Units		
		Year dollar	Discount rate (percent)	Period covered
Transfers:				
Annualized Monetized ($million/year)	$27	2020	7	2022–2026
	29	2020	3	2022–2026
From Whom to Whom	From the Federal Government to healthcare providers.			

D. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other health care providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $8 million to $41.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. For details, see the Small Business Administration's ''Table of Small Business Size Standards'' at *https://www.sba.gov/document/support--table-size-standards.*

As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent. If finalized, the impact in this proposed rule as described the CY 2022 OPPS/ASC FC would not occur. Instead, payment for submitted claims would be made under the applicable Medicare payment methodology. As a result, the Secretary has determined that this proposed rule will not have a significant impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that the RO Model will not have a significant impact on the operations of a substantial number of small rural hospitals.

We welcome comments on our estimate of significantly affected providers and suppliers and the magnitude of estimated effects for this proposed rule.

E. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2022, that threshold is approximately $165 million. This proposed rule does not mandate any requirements for State, local, or tribal governments, or for the private sector.

F. Federalism

Executive Order 13132 establishes certain requirements that 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. This rule would not have a substantial direct effect on state or local governments, preempt state law, or otherwise have a Federalism

implication because the RO Model is a Federal payment model impacting Federal payments only and does not implicate local governments or state law. Therefore, the requirements of Executive Order 13132 are not applicable.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this proposed rule, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Chiquita Brooks-LaSure, Administrator of the Centers for Medicare & Medicaid Services, approved this document on March 31, 2022.

List of Subjects in 42 CFR 512

Administrative practice and procedure, Health facilities, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble and under the authority at 42 U.S.C. 1302, 1315a, and 1395hh, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV part 512 as set forth below:

PART 512—RADIATION ONCOLOGY MODEL AND END STAGE RENAL DISEASE TREATMENT CHOICES MODEL

■ 1. The authority citation for part 512 continues to read as follows:

Authority: 42 U.S.C. 1302, 1315a, and 1395hh.

■ 2. Section 512.205 is amended by revising the definition of ''model performance period'' to read as follows:

§ 512.205 Definitions

* * * * *

Model performance period means the 5 performance years (PYs) during which RO episodes initiate and terminate. CMS will establish the start and end dates of the model performance period for the RO Model through future rulemaking.

* * * * *

Dated: April 5, 2022.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2022–07525 Filed 4–6–22; 4:15 pm]

BILLING CODE 4120–01–P

Notices

Federal Register

Vol. 87, No. 68

Friday, April 8, 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 required 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 May 9, 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.

Farm Service Agency

Title: Market Facilitation Program.

OMB Control Number: 0560–0292.

Summary of Collection: This information collection is required for the Farm Service Agency (FSA) to make Market Facilitation Program (MFP) payments to domestic crop and commodity producers. Specifically, the Commodity Credit Corporation (CCC) Charter Act (15 U.S.C. 714c) authorizes CCC to assist in the disposition of surplus commodities and to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic markets or by developing or aiding in the development of new and additional markets, marketing facilities, and uses for such commodities.

Need and Use of the Information: The information collected is needed to provide assistance through the MFP with respect to commodities that have been significantly impacted by actions of foreign governments resulting in the loss of traditional exports. To determine whether a producer is eligible for MFP and to calculate a payment, a producer is required to submit the following forms: CCC–910—MFP Application, CCC–902—Farm Operating Plans for an Individual, CCC–941—Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information, FSA 578—Report of Acreage, and AD–1026—Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification. Lack of adequate information to make the determination could result in the improper administration and appropriation of CCC funds.

Description of Respondents: Farms.

Number of Respondents: 898,600.

Frequency of Responses: Reporting; Other (one-time).

Total Burden Hours: 669,850.

Dated: April 5, 2022.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–07524 Filed 4–7–22; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Solicitation of Nominations for Membership on the Rural Community Economic Development (RCED) Subcommittee of the USDA Equity Commission

AGENCY: United States Department of Agriculture (USDA).

ACTION: Solicitation of nominations for membership on the RCED Subcommittee of the USDA Equity Commission.

SUMMARY: In accordance with Section 1006 of the American Rescue Plan Act of 2021, USDA Secretary Thomas Vilsack established an Equity Commission. The USDA Equity Commission will advise the Secretary of Agriculture by facilitating identification of critical USDA programs, policies, systems, structures, and practices that contribute to barriers to inclusion or access, systemic discrimination, or exacerbate or perpetuate racial, economic, health and social disparities. The USDA Equity Commission is governed under the American Rescue Plan Act of 2021, and by the provisions of the Federal Advisory Committee Act (FACA). A Rural Community Economic Development (RCED) Subcommittee is being formed and will be charged with providing recommendations on issues and concerns related to rural development, persistent poverty, and underserved communities.

DATES: We will consider applications that are received by May 6, 2022.

ADDRESSES: Please submit nominations to Cecilia Hernandez, Designated Federal Officer (DFO), Office of the Deputy Secretary, Department of Agriculture, 1400 Independence Avenue SW, Room 6006–S, Washington, DC 20250; or send by email to: *equitycommission@usda.gov.*

FOR FURTHER INFORMATION CONTACT: Visit *www.usda.gov/equity-commission* or email: *equitycommission@usda.gov,* or Cecelia Hernandez, telephone: 202–913–5907.

SUPPLEMENTARY INFORMATION:

Background

While USDA's expansive presence in rural communities is one of its greatest strengths, it is increasingly clear that the decentralized, local nature of information sharing and decision-

making can be problematic, especially for underserved communities and non-traditional customers. For example, local and regional food systems is a complex industry with significant up-front costs including land, seed, labor, fertilizer, and other inputs. In addition to assistance accessing affordable capital, producers often need assistance with business plan development, tax planning, expand market, or simply navigating the complexity of the financial institutions from which they are seeking to secure credit, be that USDA or elsewhere. These challenges are compounded in rural communities of persistent poverty where race and location combined have resulted in structural exclusion from financial systems and other ladders of opportunity.

Underserved communities and populations are disproportionately impacted by the effects of economic and environmental shocks. As the world continues to experience the impacts of a pandemic and the devastating impacts of climate change, including drought, flooding, wildfire, and increased severity of storms, these communities are often on the front lines. Historic inequities have often left such communities and populations with low capacity to deal with these challenges. In fact, two-thirds of over 3,000 counties in the United States are rural and 310 of those rural communities have high and persistent levels of poverty. Rural communities are generally closer to land and water, making its residents, housing, businesses, and infrastructure more vulnerable to the impacts of climate change. Of the 310, 86% or 267 counties are rural and concentrated in persistently poor areas of the Delta Region, Appalachia, the Southern Border Region, Puerto Rico and other insular areas, and on Native American lands. The majority (60%) of people living in persistent poverty [1] counties are people of color. Since investments have historically lagged in these areas, their already vulnerable position is made worse by the inadequate and affordable access to reliable infrastructure, public services, and community economic development opportunities.

The American Rescue Plan Act provides USDA a generational opportunity to leverage the Equity Commission and empower rural stakeholders to make recommendations to the Secretary in advancing equity at USDA and its programs. Launched on February 28, 2022, to kick off its Subcommittee for Agriculture, the Equity Commission in collaboration with USDA determined a need for an additional Subcommittee focused on RCED issues.

Scope and Purpose of the RCED Subcommittee

The RCED Subcommittee will be focused on providing recommendations that would enable underserved communities to have equitable access to USDA programs and increase their capacity to break the cycle of persistent poverty. USDA programs may include those that support or affect the following rural issues:

- Local and regional food
- Workforce development
- Small businesses
- Cooperative development
- Capacity building
- Community planning
- Technical assistance
- Data management
- Housing
- Community facilities
- Telecommunication and broadband
- Electric and clean energy
- Recreational economy
- Water, wastewater, and solid waste
- Lending and lender relationships
- Tribal
- Healthcare

USDA programs that support the topics above are administered by Rural Development (Rural Business Service, Rural Housing Service, and Rural Utilities Service) mission area and some programs within the Natural Resource and Environment (U.S. Forest Service), Marketing and Regulatory Programs (*e.g.,* Agricultural Marketing Service) and Research Education and Economics (*e.g.,* National Institute of Food and Agriculture and Extension) mission areas. Understanding barriers and needed improvements in programs will assist USDA to provide economic opportunities in places that need help the most and ensure that investments equitably benefit underserved communities.

Membership

The RCED Subcommittee will be comprised of 15 members. Two members of the USDA Equity Commission will serve in the RCED subcommittee. Membership representation will come from the following:

- 4 representatives from community-based organizations;
- 2 representatives from lending institutions;
- 2 representatives from small business or cooperatives;
- 1 representative from a tribal entity;
- 1 university, community college, or trades personnel;
- 3 individuals selected at the discretion of the Secretary; and,
- 2 members from the EC (as explained above).

Members must adhere to required background investigation, ethics, and onboarding requirements prior to formal appointment. Although all tasks are performed on a voluntary basis without compensation, USDA will be reimbursed for travel expenses, including per diem instead of subsistence, authorized by 5 U.S.C. 5703, in the same manner as a person employed intermittently in the Government service.

Subcommittee membership expires along with the parent Equity Commission on March 2024 unless extended.

Criteria for Selection

In order to better represent the targeted population, criteria considered for membership on the RCED Subcommittee will include combined experience and expertise in various topics under Scope and Purpose. To achieve membership balance, USDA will consider diversity of perspectives including but not limited to geographic representation as well as deep life and professional experiences serving rural and underserved communities across the country.

Applicants who previously submitted a complete application for the Equity Commission or Agriculture Subcommittee, please do not submit your applications again, USDA will consider and review your existing application. No further action is required at this time.

Meetings

[1] Persistent poverty counties are counties that have had poverty rates of 20% or greater for at least 30 years. For more information, visit: *https://crsreports.congress.gov/product/pdf/R/R45100.*

The subcommittee will meet as deemed necessary by the USDA Equity Commission co-chairs and may meet in person and/or by teleconference or by computer-based conferencing. The subcommittee may invite technical experts to present information for consideration. The subcommittee meetings will not be announced in the **Federal Register**, only the public meetings of the USDA Equity Commission overseeing and deliberating the subcommittees' progress. All data and records available to the full USDA Equity Commission are expected to be available to the public via *www.usda.gov/equity-commission* and the *www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t000000ErJLmAAN* when the full Equity Commission reviews and approves the work of the subcommittee.

The RCED subcommittee will report back to the parent committee—USDA Equity Commission and will not provide advice or work products directly to USDA or any of its agencies.

Ethics Requirements

To maintain the highest levels of honesty, integrity and ethical conduct, no subcommittee member shall participate in any ''specific party matters'' (*i.e.,* matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct financial interest. This includes the requirement for Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee's recommendations.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the subcommittee's advice and recommendations. Members who are appointed as ''Representatives'' are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as ''Special Government Employees'' (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE–450 form) via the FDonline e-filing database system. Upon request USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

Application Process

Individuals who wish to be considered for the RCED Subcommittee must the following:

1. [Required] A resume or curriculum vitae (CV) providing the nominee's background, experience, educational qualifications, and nominees preferred role (not to exceed 15 pages).
2. [Required] A completed background disclosure form (Form AD–755) signed by the nominee on page 2 following item 19: *https://www.usda.gov/sites/default/files/documents/ad-755.pdf.*

Application is open to the public, including minorities, LGBTQI+ individuals, women, and persons with disabilities in areas designated within the United States, Caribbean Area (Puerto Rico and the U.S. Virgin Islands), and the Pacific Basin Area (Guam, American Samoa, and the Commonwealth of the Northern Marianna Islands).

All submissions must be typed and legible. Please send required application documents by email to *equitycommission@usda.gov* or by mail to Attn: Cecilia Hernandez, 1400 Independence Avenue SW, Room 6006–S, Washington, DC 20250; telephone: (202) 913–5907.

Equal Opportunity Statement

USDA prohibits discrimination in all of its programs and activities based on race, sex, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination based on political beliefs and marital status, or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Technology and Accessible Resources Give Employment Today Center at (202) 720–2600 (voice and TDD). USDA is an equal opportunity provider and employer.

Dated: April 1, 2022.

Cikena Reid,

Committee Management Officer, USDA.

[FR Doc. 2022–07260 Filed 4–7–22; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2022–0001]

Notice of Request for a New Information Collection: Salmonella Control Strategies Pilot Projects

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to request a new information collection for pilot projects that test different control strategies for *Salmonella* contamination in poultry products. This is a new information collection with an estimated annual burden of 310 hours.

DATES: Submit comments on or before June 7, 2022.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *https://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2022–0001. Comments received in response to this docket will be made available for public inspection and posted without change, including any

personal information, to *https://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 205–0495 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Salmonella Control Strategies Pilot Projects.

OMB Number: 0583–NEW.

Type of Request: Request for a new information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). This statute mandates that FSIS protect the public by verifying that poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

On October 19, 2021, USDA announced that FSIS would mobilize a stronger and more comprehensive effort to reduce *Salmonella* illnesses associated with poultry products.[1] A key component of this effort is identifying ways to incentivize the use of preharvest controls to reduce *Salmonella* contamination coming into the slaughterhouse. Under the pilot projects program, establishments will experiment with new or existing pathogen control and measurement strategies and share data with FSIS. Associations may also submit aggregate data. The data will be analyzed by FSIS to determine whether they support changes to FSIS existing *Salmonella* control strategies.

FSIS has made the following estimates based upon an information collection assessment:

Estimate of burden: FSIS estimates that it will take each respondent an average of 15.5 hours per year for this collection of information.

Estimated total number of respondents: 20.

Estimated average number of responses per respondent: 6.5.

Estimated annual number of responses: 130.

Estimated annual burden on respondents: 310 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record. Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Mailstop 3758, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS' functions, including whether the information will have practical utility; (b) the accuracy of FSIS' estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *https://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *https://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992.

Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: (202) 690–7442; or (3) email: *program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Paul Kiecker,

Administrator.

[FR Doc. 2022–07462 Filed 4–7–22; 8:45 am]

BILLING CODE 3410–DM–P

[1] The announcement can be found at *https://www.fsis.usda.gov/inspection/compliance-guidance/microbial-risk/salmonella/pilot-projects-salmonella-control.*

DEPARTMENT OF AGRICULTURE

Forest Service

Directive Publication Notice

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, provides direction to employees through issuances in its Directive System, comprised of the Forest Service Manual and Forest Service Handbooks. The Agency must provide public notice of and opportunity to comment on any directives that formulate standards, criteria, or guidelines applicable to Forest Service programs. Once per quarter, the Agency provides advance notice of proposed and interim directives that will be made available for public comment during the next three months and notice of final directives issued in the last three months.

DATES: This notice identifies proposed and interim directives that will be published for public comment between April 1, 2022, and June 30, 2022; proposed and interim directives that were previously published for public comment but not yet finalized and issued; and final directives that have been issued since January 1, 2022.

ADDRESSES: Questions or comments may be provided by email to *SM.FS.Directives@usda.gov* or in writing to 201 14th Street SW, Washington, DC 20250, Attn: Directives and Regulations staff, Mailstop 1132.

FOR FURTHER INFORMATION CONTACT: Jay Lowe at 703–231–8079 or *james.lowe@usda.gov.*

Individuals who use telecommunications devices for the deaf or hard of hearing (TDD) may call the Federal Relay Service (FRS) at 800–877–8339 24 hours a day, every day of the year, including holidays.

You may register to receive email alerts at *https://www.fs.usda.gov/about-agency/regulations-policies.*

SUPPLEMENTARY INFORMATION:

Proposed and Interim Directives

Consistent with 16 U.S.C. 1612(a) and 36 CFR part 216, Public Notice and Comment for Standards, Criteria and Guidance Applicable to Forest Service Programs, the Forest Service publishes for public comment Agency directives that formulate standards, criteria, and guidelines applicable to Forest Service programs. Agency procedures for providing public notice and opportunity to comment are specified in Forest Service Handbook (FSH) 1109.12, Chapter 30, Providing Public Notice and Opportunity to Comment on Directives.

The following proposed directives are planned for publication for public comment from April 1, 2022, to June 30, 2022:

1. Forest Service Manual (FSM) 2000, National Forest System Monitoring Policy Development.

2. Forest Service Handbook (FSH) 5509.11, Title Claims, Sales, and Grants Handbook, Chapter 10, Title Claims & Encroachments.

The primary method of public outreach for this proposed directive is publication on the Forest Service website at *https://www.fs.usda.gov/about-agency/regulations-policies,* publication in the **Federal Register**, use of the GovDelivery email service, and other Agency communications resources, which may include a press release, blog post, or social media.

Previously Published Directives That Have Not Been Finalized

The following proposed and interim directives have been published for public comment but have not yet been finalized:

1. FSM 2200, Rangeland Management, Chapters Zero Code; 2210, Rangeland Management Planning; 2220, Management of Rangelands (Reserved); 2230, Grazing Permit System; 2240, Rangeland Improvements; 2250, Rangeland Management Cooperation; and 2270, Information Management and Reports; FSH 2209.13, Grazing Permit Administration Handbook, Chapters 10, Term Grazing Permits; 20, Grazing Agreements; 30, Temporary Grazing and Livestock Use Permits; 40, Livestock Use Permits; 50, Tribal Treaty Authorizations and Special Use Permits; 60, Records; 70, Compensation for Permittee Interests in Rangeland Improvements; 80, Grazing Fees; and 90, Rangeland Management Decision Making; and Forest Service Handbook 2209.16, Allotment Management Handbook, Chapter 10, Allotment Management and Administration.

2. Interim FSM 2719, Special Use Authorizations Involving Storage and Use of Explosives and Magazine Security, and FSH 2709.11, Special Uses Handbook, Chapter 50, Standard Forms and Supplemental Clauses.

3. FSM 3800, Landscape Scale Restoration Program.

4. FSM 7700, Travel Management, Chapters Zero and 10, Travel Planning.

Final Directives That Have Been Issued Since January 1, 2022

1. FSM 2400, Timber Management, Chapter 2420, Timber Appraisal; FSH 2409.19, Renewable Resources Handbook, Chapters 10, Knutson-Vandenberg Sale Area Program Management Handbook; 20, Knutson-Vandenberg Forest and Regional Program Management; 60, Stewardship Contracting; and 80, Good Neighbor Authority. The Forest Service requested comments on proposed amendments to several of its 2400 series directives pertaining to the sale and disposal of forest products. The amendments address changes in authorities, policies and direction designed to improve efficiencies and increase the pace of forest restoration and generally update outdated directives. The 60-day comment period for these directives began December 17, 2020, and closed February 16, 2021. A total of 13 comments were received and can be viewed at *https://cara.fs2c.usda.gov/Public/ReadingRoom?project=ORMS-2747.* The final directives were issued January 4, 2022, and can be viewed at the following websites: *https://www.fs.fed.us/im/directives/fsh/2409.19/wo_2409.19_10-Amend%202022-1.docx. https://www.fs.fed.us/im/directives/fsh/2409.19/wo_2409.19_20-Amend%202022-2.docx. https://www.fs.fed.us/im/directives/fsh/2409.19/wo_2409.19_60-Amend%202022-3.docx. https://www.fs.fed.us/im/directives/fsh/2409.19/wo_2409.19_80-Amend%202022-4.docx. https://www.fs.fed.us/im/directives/fsm/2400/wo_2420-Amend%202022-1.docx.*

2. Region 10 Supplement to FSM 2720, Special Uses; Management of Strictly Point-To-Point Commercial Transportation Under Special Use Authorization to National Forest System Lands within the Visitor Center Subunit of Mendenhall Glacier Recreation Area. The Alaska Region final directive supplement addresses challenges in managing strictly point-to-point commercial transportation to and from the Mendenhall Glacier Visitor Center (Visitor Center) during the cruise ship season (April–October). Visitation to the Visitor Center has increased to nearly 700,000 annual visitors as of 2018, with additional growth expected over the next several years. Existing facilities cannot accommodate the growing number of visitors. Increased use has affected resources and visitor safety and experiences. The final directive supplement allows the Alaska Region of the Forest Service to restrict strictly point-to-point commercial transportation to and from the Visitor Center during the cruise season. The final directive supplement will enhance

the Alaska Region's management and enforcement of authorized point-to-point commercial transportation to and from the Visitor Center. The 60-day comment period for this directive began June 24, 2021, and closed August 28, 2021. Five comments were received, which can be viewed at *https://cara.fs2c.usda.gov/Public/ReadingRoom?project=ORMS-2314.* The final directive was issued January 13, 2022, and can be viewed at *https://www.fs.fed.us/im/directives/field/r10/fsm/2700/R10%202720.docx.*

3. FSM 2700, Special Uses Management, Chapter 40, Vegetation Management Pilot Projects, and FSH 2709.11, Special Uses Handbook, Chapter 50, Standard Forms and Supplemental Clauses. The Forest Service has issued this final directive, which implements section 8630 of the Agriculture Improvement Act of 2018 (Farm Bill). The Farm Bill created a voluntary pilot project program for removal of vegetation other than hazard trees near powerline rights-of-way on National Forest System (NFS) lands. The final directive establishes Agency procedures to enhance the reliability of the electric grid and reduce the threat of wildfire due to vegetation-related conditions adjacent to powerline facility rights-of-way. Approved vegetation management pilot projects will allow electric utilities to conduct voluntary vegetation management, other than removal of hazard trees, up to 150 feet from either side of a powerline facility right-of-way and for a total width of up to 200 feet. The 30-day comment period for this directive began December 10, 2020, and closed January 11, 2021. Four comments were received, which can be viewed at *https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2717.* The final directive was issued February 10, 2022, and can be viewed at *https://www.fs.fed.us/im/directives/fsm/2700/wo_2740-Amend%202022-1.docx.*

4. FSH 2709.11, Special Uses Handbook, Chapter 80, Operating Plans and Agreements for Powerline Facilities. The Forest Service has issued this final directive, which implements section 512 of the Federal Land Policy and Management Act (FLPMA), as added by the Consolidated Appropriations Act of 2018. The final directive will help reduce threats of wildfire and enhance electric system reliability by establishing Agency procedures for development, review, and approval of proposed operating plans and agreements for vegetation management, inspection, and operation and maintenance of powerline facilities on NFS lands. The 30-day comment period for this directive began December 10, 2020, and closed January 11, 2021. Fourteen comments were received, which can be viewed at *https://cara.ecosystem-management.org/Public/ReadingRoom?project=ORMS-2718.* The final directive was issued February 10, 2022, and can be viewed at *https://www.fs.fed.us/im/directives/fsh/2709.11/wo_2709.11_80-Amend%202022-1.docx.*

Dated: April 4, 2022.

Amelia I. Steed,

Acting Deputy Director, Directives and Regulations, Strategic Planning, Budget, & Accountability.

[FR Doc. 2022–07523 Filed 4–7–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2022–0001]

Notice of Intent To Prepare an Environmental Impact Statement for the Etowah River Watershed, Dawson County, Georgia

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) Georgia State Office announces its intent to prepare an EIS for the Etowah River Watershed Project in the proximity of Dawsonville, Georgia. The EIS process will examine flood prevention and agricultural water management measures and evaluate additional (new) alternative solutions identified during scoping. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the Proposed Action from all interested individuals, Federal and State agencies, and Tribes.

DATES: We will consider comments that we receive by May 9, 2022. Comments received later will be considered to the extent possible.

ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and search for docket ID NRCS–2022–0001. Follow the online instructions for submitting comments; or
- *Mail or Hand Delivery:* Gregg Hudock, P.E., Principal, Practice Leader and Group Leader, Golder Associates, Inc., 5170 Peachtree Road, Building 100, Suite 300, Atlanta, GA, USA, 30341. Please specify the docket ID NRCS–2022–0001.

All comments received will be posted without change and made publicly available on *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Diane A. Guthrie, P.E.; telephone: (706)–546–2310; email: *diane.guthrie@usda.gov.* In addition, for questions related to submitting comments contact Golder Associates, Inc.: Gregg Hudock, P.E. at (770)–496–1893, Fax (770) 934–9476, *Gregg_Hudock@golder.com.* Persons with disabilities who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Purpose and Need

NRCS is evaluating alternatives that will prevent or reduce flooding and increase and maintain safe and reliable supplies of water for the local community while increasing water conservation and improving water delivery efficiency in the Etowah River Watershed. The primary purpose underlying watershed planning and the proposed action is to:

(a) Provide flood protection to reduce floodwater damages for crops and pasture, fences, farmsteads, machinery, buildings, livestock, county and township roads and bridges, and urban areas in Dawsonville; and

(b) Provide a rural water supply to meet current and future water demands by increasing and maintaining safe and reliable supplies of water for the local rural community, increasing water conservation, and improving water delivery efficiency in the Etowah River Watershed for Dawson County, Georgia.

This proposed action is authorized under the Watershed Prevention and Flood Protection Act of 1954. The action is needed to provide flood damage protection due to the existing aging Etowah River Watershed Dam No. 13 and to provide agricultural and rural water management ensuring a safe and reliable water supply that meets current and future water demands. The current watershed structure has reached the end of its original 50-year design life and needs to be brought into compliance with modern dam safety criteria. The existing Etowah River Watershed Dam No. 13 is not in compliance with the Georgia Rules for Dam Safety and the NRCS TR–60 design criteria. Through hydraulic modeling, it was determined the auxiliary spillway is likely to breach

during storms categorized as 500-year storm or Probable Maximum Precipitation (PMP) storm events. Model analysis has also determined that the dam will be overtopped and will likely breach during storms that are as low as ½ PMP storm events.

Preliminary Proposed Action and Alternatives

NRCS initiated the National Environmental Policy Act of 1969 (NEPA) process with the preparation of an Environmental Assessment (EA) for the same action, engaged in several public scoping meetings, conducted scoping processes with Federal, State, and local agencies to identify any significant issues which may be related to the proposed action, and completed a Draft EA. NRCS analyzed multiple conceptual alternatives during the environmental evaluation and scoping process. As a result of this early analysis, several alternatives were eliminated from further consideration. A determination was made that an EIS was necessary due to the volume of water retained by the proposed reservoir. One action alternative was carried forward in the EIS, the proposal to construct a new dam in place of the existing watershed structure.

This EIS will be prepared as required by section 102(2)(C) of NEPA; the Council on Environmental Quality regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650, CFR 622, and National Environmental Compliance Handbook (NECH 610). Evaluation of potential environmental impacts associated with federal projects and actions is required.

NRCS is considering providing technical assistance and financial support for the implementation of the proposed action. Technical and financial assistance for the proposed project would be funded through the NRCS Watershed Protection and Flood Prevention Program.

1. *Alternative 1—Proposed Action: Construction of a new watershed dam.* The NRCS Etowah River Watershed Dam No. 13 Structure will be replaced with a new multipurpose structure to provide flood control and agricultural water management. The new dam will be an earthen embankment with a height of approximately 110 ft. The reservoir area at normal pool will be 132 acres with a total storage volume of 6,338 acre-feet (at the top of dam). The flood-pool volume is 704 acre-feet, and the surcharge volume is 1,702 acre-feet. The structure will provide up to 14.3 million gallons per day (MGD, peak monthly demand) of raw water supply for the Etowah Water & Sewer Authority (EWSA).

The structure will be a pump storage reservoir from the Etowah River. Water will be withdrawn from the Etowah River (in compliance with the EWSA withdrawal permits) at the Hightower Water Plant and pumped to the reservoir via a 30-inch raw water pipeline. The pipeline traverses approximately 2.7 miles along the floodplain of the Etowah River and Russell Creek to the reservoir. Raw water will be released from the reservoir to the Hightower Water Plant using the same raw water pipeline during periods of low flow in the Etowah River when the EWSA cannot meet their water needs solely from the Etowah River.

2. *Alternative 2—No action.* Taking no action would consist of measures carried out if no federal action or funding were provided. The Dam No.13 Structure would not be replaced with a new multipurpose structure to provide flood control and agricultural water management. The existing structure would continue to operate in its current condition, dam safety concerns would not be addressed, a rural water supply to meet current and future water demands would not be available for the local rural community, and flood damage protection would not be provided. Ongoing maintenance activities would be required to keep the current structure operable, providing limited flood protection.

Summary of Expected Impacts

The decision to prepare the Watershed Plan EIS was based upon the volume of water retained by the proposed reservoir. Early agency scoping of this federally assisted action indicated that proposed alternatives may have significant local, regional, or national impacts on the environment due to the retained volume of water. The watershed planning under the EIS will evaluate the effectiveness of proposed adjustments and the bio-physical and socio-economic impacts to the Etowah River Watershed Dam No. 13.

Potential impacts include wetland and flood plain alteration; mitigation for the loss of 5.52 acres of wetlands and 24,550 linear feet of streams will include the purchase of 42.6 wetland credits and 122,318 stream credits from approved compensatory mitigation banks servicing the project site. The purchase of mitigation bank credits is an appropriate method to offset temporal and functional losses associated with project implementation; these actions provide valuable contributions to the protection of water quality, as well as provide protection for valuable fish and wildlife habitat in perpetuity.

In addition, conservation measures will be implemented to avoid and minimize environmental impacts by implementing best management practices and requiring a 150-foot buffer around the reservoir and on each side of 9,500 feet of Russell Creek above the reservoir. Monitoring of the project during and after construction, including sequencing construction activities to protect spawning periods for listed fishes and implementing operational procedures, will ensure survival of local warm water species of fish.

Anticipated Permits and Authorizations

The following permits and other authorizations are anticipated to be required:

- *CWA Section 404 permit.* Implementation of the proposed federal action would require a Clean Water Act (CWA) Section 404 permit from the U.S. Army Corps of Engineers. Permitting with the U.S. Army Corps of Engineers regarding potential wetland impacts is ongoing and will be finalized prior to final design and construction.
- *CWA Section 401 permit.* The project would also require water quality certification under Section 401 of the CWA and permitting under Section 402 of the CWA (National Pollutant Discharge Elimination System Permit).
- *Dam safety and floodplain permit.* Local dam safety and floodplain permits will be required for construction and operation of the dam.
- *Surface Water Withdrawal permit.* Permit No. 042–1415–02 received.
- *Stream Buffer Variance.* Variance will be obtained from the Georgia Environmental Protection Division for reservoir clearing work.
- *Georgia Department of Transportation Right of Way Encroachment Permit.* Project will require a raw water pipeline to be installed under State Highway 53 by jacking and boring construction methods.
- *NHPA Section 106 consultation.* Consultation with the Georgia Historic Preservation Division, Tribal Nations, and interested parties will be conducted as required by the National Historic Preservation Act of 1966 (as amended) (16 U.S.C. 470f).
- *Endangered Species Act, Section 7 Consultation.* Compliance documented via consultation with US Fish and Wildlife Service and Georgia Wildlife Resources Division.

Schedule of the Decision-Making Process

A draft EIS will be prepared and circulated for review and comment by agencies and the public as required by 40 CFR 1503.1, 1502.20, 1506.11, 1502.17, and 7 CFR 650.13. The draft EIS will be complete and available for public review within 14 months of publication of this NOI. Once the draft EIS is completed, a Notice of Availability (NOA) will be published in the **Federal Register** and a public review period of 45 days will be provided. Comments on the Draft EIS will be addressed in the Final EIS. A NOA will be published in the **Federal Register** concerning the availability of the Final EIS and a Draft Record of Decision (ROD). A 30-day review period from the day the NOA is published in the **Federal Register** will be provided. Afterwards, the final ROD will be signed by the decision maker and responsible federal official for the project, the NRCS Georgia State Conservationist, Mr. Terrance O. Rudolph.

Public Scoping Process

Three public scoping meetings were held during which NRCS presented the project and provided the opportunity for the public to ask questions and have input to the scope of the draft EA. The public scoping meetings were held on April 11, 2019, May 9, 2019, and June 27, 2019, at the Etowah Water and Sewer Authority in Dawsonville, GA. All interested parties and groups were invited. In addition, the public meetings were advertised in the local newspaper and notices posted on the EWSA website. Project team members were available for individual questions and discussions. Comments received, including the names and addresses of those who commented, will be part of the public record. In addition, Federal, State, and local governments provided input during the preparation of the Draft EA. Once the Draft EIS is published in the **Federal Register**, an additional scoping meeting will be held within 4 weeks of publication; meeting details will be published in the local paper, the website for the EWSA, and the NRCS–GA website.

Request for Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies and individuals who have special expertise, legal jurisdiction, or interest in the Etowah River Watershed to provide comments concerning the scope of the analysis and identification of relevant information and studies. All interested parties are invited to provide input related to the identification of potential alternatives, information, and analyses relevant to the Proposed Action in writing or during the public scoping meeting.

Authorities

This document is published pursuant to the National Environmental Policy Act (NEPA) regulations regarding publication of a notice of intent to issue an environmental impact statement (40 CFR 1501.9(d)). This EIS will be prepared to evaluate potential environmental impacts as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended, (Pub. L. 83–566) and the Flood Control Act of 1944 (Pub. L. 78–534). Also, the number and title of the Federal assistance program in the Catalog of Federal Domestic Assistance to which this NOI applies is 10.904-Watershed Protection and Flood Prevention.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720–2600 (voice and TTY) or (844) 433–2774 (toll-free nationwide). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint* and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410 or email: *OAC@usda.gov.*

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Terrance O. Rudolph,

Georgia State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2022–07573 Filed 4–7–22; 8:45 am]

BILLING CODE 3410–16–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Illinois Advisory Committee; Correction

AGENCY: Commission on Civil Rights.

ACTION: Notice; correction.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** on Tuesday, March 29, 2022, concerning a meeting of the Illinois Advisory Committee. The document contained the incorrect meeting time.

FOR FURTHER INFORMATION CONTACT: Liliana Schiller, *lschiller@usccr.gov,* 202–376–7756.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** on Tuesday, March 29, 2022, in FR Document Number 2022–06530, on page 17981, second column, correct the meeting time in the **SUMMARY** to 1:00 p.m. CT.

Dated: Tuesday, April 4, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–07473 Filed 4–7–22; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–11–2022]

Foreign-Trade Zone (FTZ) 61—San Juan, Puerto Rico Notification of Proposed Production Activity, AIAC International Pharma, LLC (Pharmaceutical Products), Arecibo, Puerto Rico

The Department of Economic Development and Commerce, grantee of

FTZ 61, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of AIAC International Pharma, LLC, located in Arecibo, Puerto Rico within Subzone 61D. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on April 1, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via *www.trade.gov/ftz.* The proposed finished product and material would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is XCOPRI (cenobamate tablets) (duty-free).

The proposed foreign-status material is cenobamate active pharmaceutical ingredient (duty rate 6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is May 18, 2022.

A copy of the notification will be available for public inspection in the ''Online FTZ Information System'' section of the Board's website.

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: April 5, 2022.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2022–07575 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on April 27 and 28, 2022, at 1:00 p.m., Eastern Daylight Time. The meetings will be available via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, April 27

Open Session

1. Welcome and Introductions
2. Working Group Reports
3. Old Business

Thursday, April 28

Closed Session

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than April 20, 2022.

To the extent time permits, members of the public may present oral statements to the Committee.

The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 7, 2022, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2 § (10)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Yvette Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2022–07475 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on April 26, 2022, at 1:00 p.m., Eastern Daylight Time, via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 2, 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than April 19, 2022.

To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 25, 2022, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2, 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. App. 2, 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2022–07474 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–870]

Certain Oil Country Tubular Goods From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain producers/exporters subject to this review made sales of oil country tubular goods (OCTG) from the Republic of Korea (Korea) at less than normal value during the period of review (POR), September 1, 2019, through August 31, 2020, and that HiSteel Co., Ltd. (HiSteel) had no shipments of subject merchandise to the United States during the POR.

DATES: Applicable April 8, 2022.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Frank Schmitt, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6312, or (202) 482–4880, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 2021, Commerce published the *Preliminary Results* of this administrative review.[1] We invited interested parties to comment on the *Preliminary Results.* Between November 9, 2021, and November 22, 2021, Commerce received timely filed case briefs and rebuttal briefs from various interested parties.[2] On December 29, 2021, we extended the deadline for the final results until April 1, 2022.[3] The final results cover 33 companies.[4] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

For a complete description of the events that followed the *Preliminary Results* of this administrative review, *see* the Issues and Decision Memorandum.[5] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* Additionally, a complete version of the Issues and Decision Memorandum can be accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order[6]

The merchandise covered by the *Order* is certain OCTG. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this review are addressed in the Issues and Decision Memorandum and listed in the appendix to this notice.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we made certain changes to the margin calculations for Hyundai Steel. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum. We did not make changes to the margin calculations for SeAH.

Determination of No Shipments

In the *Preliminary Results,* Commerce found that HiSteel did not have shipments of subject merchandise to the United States during the POR. No parties commented on this determination. Accordingly, for the final results of review, we continue to find that Histeel made no shipments of subject merchandise to the United States during the POR. Consistent with Commerce's practice,[7] we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of subject merchandise produced by HiSteel, but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate of 5.24 percent.[8]

Final Results of Administrative Review

For these final results, Commerce determines that the following weighted-average dumping margins exist for the

[1] *See Certain Oil Country Tubular Goods from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020,* 86 FR 54928 (October 5, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* SeAH Steel Corporation (SeAH)'s Letter, ''Administrative Review of the Antidumping Order on Oil Country Tubular Goods from Korea—Case Brief of SeAH Steel Corporation,'' dated November 9, 2021; *see also* Husteel Co., Ltd. (Husteel)'s Letter, ''Oil Country Tubular Goods from Republic of Korea, Case No. A–580–870: Letter in Lieu of Case Brief,:'' dated November 9, 2021; AJU Besteel Co., Ltd., (AJU Besteel)'s Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Letter in Support of Case Briefs,'' dated November 9, 2021; ILJIN Steel Corporation (ILJIN)'s Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Letter in Support of Case Brief,'' dated November 9, 2021; Hyundai Steel Company (Hyundai Steel)'s Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Case Brief,'' dated November 9, 2021; United States Steel Corporation, Vallourec Star L.P., and Welded Tube USA (collectively, Domestic Interested Parties)' Letter, ''Oil Country Tubular Goods from the Republic of Korea: Case Brief of Domestic Interested Parties,'' dated November 9, 2021; SeAH's Letter, ''Administrative Review of the Antidumping Duty Order on Oil Country Tubular Goods from Korea—Rebuttal Brief of SeAH Steel Corporation,'' dated November 22, 2021; Husteel's Letter, ''Oil Country Tubular Goods from the Republic of Korea, Case No. A–580–870: Husteel's Case Brief,'' dated November 22, 2021; *see* AJU Besteel's Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Letter in Support of Rebuttal Briefs,'' dated November 22, 2021; ILJIN's Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Letter in Support of Rebuttal Briefs,'' dated November 22, 2021; NEXTEEL Co., Ltd. (NEXTEEL)'s Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea: NEXTEEL's Letter in Support of Respondents' Rebuttal Briefs,'' dated November 22, 2021; Hyundai Steel's Letter, ''Certain Oil Country Tubular Goods from the Republic of Korea—Rebuttal Brief,'' dated November 22, 2021; and Domestic Interested Parties' Letter, ''Oil Country Tubular Goods from the Republic of Korea: Rebuttal Brief of Domestic Interested Parties,'' dated November 22, 2021.

[3] *See* Memorandum, ''Oil Country Tubular Goods from the Republic of Korea: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review, 2019–2020,'' dated December 29, 2021.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 68840 (October 30, 2020). The 33 companies consist of two mandatory respondents, 30 companies not individually examined, and one company that had no shipments.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Turkey, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value,* 79 FR 53691 (September 10, 2014) (*Order*).

[7] *See, e.g., Certain Corrosion-Resistant Steel Products from Taiwan: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2018–2019,* 86 FR 28554 (May 27, 2021).

[8] *See Certain Oil Country Tubular Goods from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination,* 81 FR 59603 (August 30, 2016).

period September 1, 2019, through August 31, 2020:

Producer/exporter	Weighted-average dumping margins (percent)
Hyundai Steel Company	19.54
SeAH Steel Corporation	3.85
Non-examined companies [9]	11.70

Rate for Non-Examined Companies

For the rate for non-selected respondents in an administrative review, generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.'' For these final results, we calculated dumping margins for the two mandatory respondents, Hyundai Steel and SeAH, of 19.54 and 3.85 percent, respectively. Therefore, we have assigned to the non-selected companies a rate of 11.70 percent, which is the simple average of Hyundai Steel's and SeAH's margins.[10]

Disclosure

Commerce intends to disclose the calculations performed for these final results of review for Hyundai Steel within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b). Because no changes were made to SeAH's margins since the *Preliminary Results,* no disclosure of SeAH's calculations is necessary for these final results.

Assessment

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Where the respondent reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[11] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[12] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[13] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[14]

For the companies which were not selected for individual review, we will assign an assessment rate based on the methodology described in the ''Rates for Non-Examined Companies'' section, above.

Consistent with Commerce's assessment practice, for entries of subject merchandise during the POR produced by SeAH, Hyundai Steel, or the non-examined companies for which the producer did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[15]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**.[16] If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the companies listed in these final results will be equal to the weighted-average dumping margins established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.24 percent,[17] the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written

[9] *See* Appendix II for a full list of these companies.

[10] Commerce was unable to compare a simple average to a weighted-average relative to publicly available data because public data for volume of U.S. sales were not available for both respondents.

[11] *See* 19 CFR 351.212(b)(1).

[12] *Id.*

[13] *Id.*

[14] *See* 19 CFR 351.106(c)(2).

[15] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[16] *See Notice of Discontinuation Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

[17] *See Certain Oil Country Tubular Goods from the Republic of Korea: Notice of Court Decision Not in Harmony with Final Determination,* 81 FR 59603 (August 30, 2016).

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 sanctionable violation.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 19 CFR 351.221(b)(5).

Dated: April 1, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
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Appendix II

List of Companies Not Individually Examined

1. AJU Besteel Co., Ltd.
2. DB Inc.
3. Dong-A Steel Co., Ltd.
4. FM Oilfield Services Solutions LLC
5. Hengyang Steel Tube Group International Trading Inc.
6. Husteel Co., Ltd.
7. Hyundai Corporation
8. Hyundai Heavy Industries Co., Ltd.
9. ILJIN Steel Corporation
10. K Steel Corporation
11. KASCO
12. Kenwoo Metals Co., Ltd.
13. Kukje Steel Co., Ltd.
14. Kumkang Kind Co., Ltd.
15. Kumsoo Connecting Co., Ltd.
16. Master Steel Corporation
17. NEXTEEL Co., Ltd.
18. POSCO International Corporation
19. Pusan Coupling Corporation
20. Pusan Fitting Corporation
21. Sang Shin Industrial Co., Ltd. (a.k.a. SIC Tube Co., Ltd.)
22. SeAH Changwon Integrated Special Steel Co., Ltd.
23. Shin Steel Co., Ltd.
24. Sichuan Y&J Industries Co. Ltd.
25. Steel-A Co., Ltd.
26. Sungwon Steel Co., Ltd.
27. TGS Pipe Co., Ltd.
28. TJ Glovsteel Co., Ltd.
29. TPC Co., Ltd.
30. T-Tube Co., Ltd.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–088]

Certain Steel Racks and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has determined that certain exporters under review sold certain steel racks and parts thereof (steel racks) from the People's Republic of China (China) in the United States at prices below normal value (NV) during the period of review (POR) March 4, 2019, through August 31, 2020. Additionally, we determined that Hebei Minmetals Co., Ltd. (Hebei Minmetals) and Guangdong Wireking Housewares and Hardware Co., Ltd., (Guangdong Wireking) made no shipments of subject merchandise to the United States during the POR.

DATES: Applicable April 8, 2022.

FOR FURTHER INFORMATION CONTACT: Elizabeth Bremer or Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4987 and (202) 482–3518, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2021, Commerce published the *Preliminary Results* for this review in the **Federal Register** and invited interested parties to comment on those results.[1] In November 2021, Commerce received comments and rebuttal comments from interested parties regarding the *Preliminary Results*.[2] On January 12, 2022, Commerce held a public hearing regarding issues in this administrative review.[3] On January 28, 2022, and again on March 1, 2022, Commerce extended the deadline for issuing the final results of this review.[4] The current deadline for issuing the final results of this review is April 1, 2022. For further details regarding the events that occurred subsequent to issuing the *Preliminary Results, see* the Issues and Decision Memorandum.[5] Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The merchandise covered by this *Order* is steel racks and parts thereof,

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[1] *See Certain Steel Racks and Parts Thereof from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020,* 86 FR 55575 (October 6, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Petitioner's Letter, ''Case Brief,'' dated November 5, 2021; *see also* Dongsheng's Letter, ''Steel Racks from the People's Republic of China—Case Brief,'' dated November 5, 2021; Nanjing Kingmore's Letter, ''Certain Steel Racks and Parts Thereof from the People's Republic of China, Case No. A–570–088: Case Brief,'' dated November 5, 2021; Jiangsu Nova's Letter, ''*Steel Racks and Parts Thereof from the People's Republic of China:* Letter in Lieu of Brief,'' dated November 5, 2021; Petitioner's Letter, ''Rebuttal Brief,'' dated November 12, 2021; Dongsheng's Letter, ''Steel Racks from the People's Republic of China—Rebuttal Brief,'' dated November 12, 2021; and Nanjing Kingmore's Letter, ''Certain Steel Racks and Parts Thereof from the People's Republic of China, Case No. A–570–088: Nanjing Kingmore's Rebuttal Brief,'' dated November 12, 2021.

[3] *See* Commerce Letter, ''Antidumping Duty Administrative Review of Steel Racks and Parts Thereof from the People's Republic of China: Hearing Schedule,'' dated January 7, 2022.

[4] *See* Memoranda, ''Extension of Deadline for Final Results,'' dated January 28, 2022; and ''Extension of Deadline for Final Results,'' dated March 1, 2022.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019–2020 Antidumping Duty Administrative Review of Certain Steel Racks and Parts Thereof from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Certain Steel Racks and Parts Thereof from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Countervailing Duty Order,* 84 FR 48584 (September 16, 2019) (*Order*).

assembled, to any extent, or unassembled, including but not limited to, vertical components (*e.g.,* uprights, posts, or columns), horizontal or diagonal components (*e.g.,* arms or beams), braces, frames, locking devices (*e.g.,* end plates and beam connectors), and accessories (including, but not limited to, rails, skid channels, skid rails, drum/coil beds, fork clearance bars, pallet supports, row spacers, and wall ties). For a full description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised by interested parties in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is in Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Final Determination of No Shipments

In the *Preliminary Results,* we determined that Hebei Minmetals and Guangdong Wireking made no shipments of subject merchandise to the United States during the POR.[7] As we have not received any arguments identifying information that undermines our preliminary finding, we made no changes to that determination for the final results of review.

Changes Since the Preliminary Results

We corrected ministerial errors in our preliminary calculations of the manufacturing overhead ratio, freight-in costs, and certain net U.S. prices for Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd. (Nanjing Kingmore). We also corrected the draft liquidation instructions for Nanjing Kingmore. For a discussion of these corrections, *see* the Issues and Decision Memorandum.

Separate Rates

No parties commented on our preliminary separate rates determinations. We continue to find that Dongsheng and Nanjing Kingmore (*i.e.,* the mandatory respondents), and the four companies listed in the ''Final Results of Review'' section below, are eligible for a separate rate. Additionally, we have continued to deny separate rate status to each of the companies listed in Appendix II.

Rate for Non-Examined Separate Rate Respondents

The statue and Commerce's regulations do not address what rate to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review.

Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins determined for individually-examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. When the rates determined for individually examined respondents are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the all others rate.

The final weighted-average dumping margins that we calculated for the mandatory respondents Dongsheng and Nanjing Kingmore are not zero, *de minimis,* or based entirely on facts available. Therefore, we assigned a weighted-average dumping margin to the non-individually examined respondents to which we granted separate rate status equal to the weighted average of the weighted-average dumping margins that we calculated for Dongsheng and Nanjing Kingmore, consistent with the guidance in section 735(c)(5)(A) of the Act.[8]

The China-Wide Entity

Because no party requested a review of the China-wide entity in this segment of the proceeding, the entity is not under review, and the entity's rate (*i.e.,* 144.50 percent) is not subject to change.[9] Other than the companies for which we made a final no-shipment determination, Commerce considers all other companies for which a review was requested that did not demonstrate separate rate eligibility, to be part of the China entity.[10]

Final Results of Review

We are assigning the following weighted-average dumping margins to the firms listed below for the period March 4, 2019, through August 31, 2020:

Exporter	Weighted-average dumping margin (percent)
Nanjing Dongsheng Shelf Manufacturing Co., Ltd	9.99
Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd	18.87
Review-Specific Rate Applicable to the Following Companies:	
Jiangsu Nova Intelligent Logistics Equipment Co., Ltd	14.03
Nanjing Ironstone Storage Equipment Co., Ltd	14.03
Suzhou (China) Sunshine Hardware & Equipment Imp. & Exp. Co., Ltd	14.03
Xiamen Luckyroc Industry Co., Ltd	14.03

Disclosure

Pursuant to 19 CFR 351.224(b), within five days of the publication of this notice in the **Federal Register**, we will disclose to the parties to this proceeding, the calculations that we performed for these final results of review.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise covered by the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication date of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Where the respondent's weighted-average dumping margin is zero or *de minimis,* or where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to

[7] *See Preliminary Results* PDM.

[8] *See* Memorandum, ''First Administrative Review of the Antidumping Duty Order on Certain Steel Racks and Parts Thereof from China: Final Calculation of the Rate for Separate Rate Respondents,'' dated concurrently with this notice.

[9] *See Order,* 84 FR 48584.

[10] In this review, we have determined that the companies listed in Appendix II subject to the review are now part of the China-wide entity.

antidumping duties.[11] For U.S. entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the China-wide entity rate (*i.e.,* 144.50 percent).[12]

For any individually-examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), we will calculate importer-specific or customer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales, in accordance with 19 CFR 351.212(b)(1).[13]

For respondents not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the weighted average of the dumping margins assigned to the mandatory respondents in the final results of this review.

For the respondents not eligible for a separate rate, which we considered to be part of the China-wide entity, we intend to instruct CBP to apply an *ad valorem* assessment rate of 144.50 percent (*i.e.,* the China-wide entity rate) to all U.S. entries of subject merchandise during the POR that were exported by these companies.

Additionally, if Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the China-wide entity rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of review, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed in the table above, the cash deposit rate will be the rate listed for the exporter in the table; (2) for previously investigated or reviewed China and non-China exporters not listed in the table above that have separate rates, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recent period; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate previously established for the China-wide entity, which is 144.50 percent; and (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing these final results of administrative review and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h)(2) and 19 CFR 351.221(b)(5).

Dated: April 1, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Changes Since the *Preliminary Results*
V. Discussion of Issues
1. Whether Commerce Selected the Appropriate Surrogate Country
2. Whether Commerce Miscalculated the Manufacturing Overhead Ratio
3. Whether Nanjing Dongsheng Shelf Manufacturing Co., Ltd. (Dongsheng) is Affiliated with its U.S. Importer
4. Whether Commerce Miscalculated Direct Material and Packing Costs
5. Whether to Collapse Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd. (Nanjing Kingmore) with its Affiliate and Apply Total Adverse Facts Available
6. Whether Commerce Miscalculated Direct Material Costs and the Net Prices of Certain U.S. Sales
7. Whether Commerce Omitted a U.S. Customer from its Draft Liquidation Instructions
V. Recommendation

Appendix II

Companies Determined To Not Be Eligible for a Separate Rate

1. Ateel Display Industries (Xiamen) Co., Ltd
2. Changzhou Tianyue Storage Equipment Co., Ltd
3. CTC Universal (Zhangzhou) Industrial Co., Ltd
4. David Metal Craft Manufactory Ltd
5. Fujian Ever Glory Fixtures Co., Ltd
6. Fujian First Industry and Trade Co., Ltd
7. Huanghua Hualing Garden Products Co., Ltd
8. Huanghua Hualing Hardware Products Co., Ltd
9. Huanghua Xingyu Hardware Products Co., Ltd
10. Huanghua Xinxing Furniture Co., Ltd
11. Huangua Haixin Hardware Products Co., Ltd
12. Huangua Qingxin Hardware Products Co., Ltd
13. i-Lift Equipment Ltd
14. Jiangsu Baigeng Logistics Equipments Co., Ltd
15. Jiangsu Kingmore Storage Equipment Manufacturing Co., Ltd
16. Johnson (Suzhou) Metal Products Co., Ltd
17. Master Trust (Xiamen) Import and Export Co., Ltd
18. Ningbo Beilun Songyi Warehouse Equipment Manufacturing Co., Ltd
19. Ningbo Xinguang Rack Co., Ltd
20. Qingdao Rockstone Logistics Appliance Co., Ltd
21. Redman Corporation
22. Redman Import & Export Limited
23. Tianjin Master Logistics Equipment Co., Ltd
24. Waken Display System Co., Ltd
25. Xiamen Baihuide Manufacturing Co., Ltd
26. Xiamen Ever Glory Fixtures Co., Ltd
27. Xiamen Golden Trust Industry & Trade Co., Ltd
28. Xiamen Huiyi Beauty Furniture Co., Ltd
29. Xiamen Kingfull Imp and Exp Co., Ltd. (d.b.a) Xiamen Kingfull Displays Co., Ltd
30. Xiamen LianHong Industry and Trade Co., Ltd
31. Xiamen Luckyroc Storage Equipment Manufacture Co., Ltd
32. Xiamen Meitoushan Metal Products Co.,

[11] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[12] *See Order,* 84 FR 48584.

[13] *Id.*

Ltd
33. Xiamen Power Metal Display Co., Ltd
34. Xiamen XinHuiYuan Industrial & Trade Co., Ltd
35. Xiamen Yiree Display Fixtures Co., Ltd
36. Yuanda Storage Equipment Ltd
37. Zhangjiagang Better Display Co., Ltd
38. Zhangzhou Hongcheng Hardware & Plastic Industry Co., Ltd

[FR Doc. 2022–07501 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–833]

Citric Acid and Certain Citrate Salts From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain producers/exporters subject to this administrative review did not make sales of subject merchandise at less than normal value (NV) during the July 1, 2020, through June 30, 2021, period of review (POR). Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable April 8, 2022.

FOR FURTHER INFORMATION CONTACT: Joy Zhang or Patrick Barton, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1168 or (202) 482–0012, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2021, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Thailand for the POR.[1] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[2]

Scope of the Order [3]

The merchandise covered by this *Order* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9295 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9295 of the HTSUS. Although the HTSUS sub-headings are provided for convenience and customs purposes, the written description of the merchandise is dispositive. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary 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 Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2020, through June 30, 2021:

Producer/exporter	Weighted-average dumping margin (percent)
COFCO Biochemical (Thailand) Co., Ltd. (COFCO)	0.00
Sunshine Biotech International Co., Ltd	0.00

Assessment Rates

Upon issuing the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If the weighted-average dumping margin for companies listed above are not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[4] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.5 percent). Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[5]

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by each respondent which did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate entries not reviewed at the all-others rate established in the original less-than-fair value (LTFV) investigation (*i.e.,* 11.25 percent) if there is no rate for the intermediate company(ies) involved in the transaction.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 86 FR 50034 (September 7, 2021) (*Initiation Notice*).

[2] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Thailand; 2020–2021,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[3] *See Citric Acid and Certain Citrate Salts from Belgium, Colombia, and Thailand: Antidumping Duty Orders,* 83 FR 35214 (July 25, 2018) (*Order*).

[4] In the preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[5] *See* section 751(a)(2)(C) of the Act.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.25 percent, the all-others rate established in the LTFV investigation.[6] These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[7]

Verification

On December 14, 2021, Commerce received a request from the petitioners to conduct verification of the responses in this administrative review.[8] Commerce is currently unable to conduct on-site verification of the information relied upon for the final results of this review. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.[12] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[13]

Final Results

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.[14]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: April 4, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Discussion of the Methodology
V. Recommendation

[FR Doc. 2022–07577 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–882]

Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that certain producers/exporters of certain cold-rolled steel flat products (cold-rolled steel) from the Republic of Korea (Korea) received countervailable subsidies during the review period, while other producers/exporters (*i.e.,* Hyundai Steel Co., Ltd., also referred to as Hyundai Steel Company (Hyundai Steel), and POSCO) received *de minimis* net countervailable subsidies during the review period. The period of review (POR) is January 1, 2019, through December 31, 2019.

DATES: Applicable April 8, 2022.

FOR FURTHER INFORMATION CONTACT: Natasia Harrison, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1240.

SUPPLEMENTARY INFORMATION:

[6] *See Order.*

[7] *See* 19 CFR 351.224(b).

[8] *See* Petitioners' Letter, ''Petitioners' Request for Verification,'' dated December 14, 2021.

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

[13] *See* 19 CFR 351.310(d).

[14] *See* section 751(a)(3)(A) of the Act.

Background

Commerce published the *Preliminary Results* of this review on October 6, 2021.[1] On October 21, 2021, Commerce issued its post-preliminary analysis.[2] Subsequently, on January 18, 2022, Commerce extended the deadline for the final results of this review to no later than April 1, 2022.[3] For a complete description of the events that followed the *Preliminary Results, see* the Issues and Decision Memorandum.[4]

Scope of the Order [5]

The merchandise covered by the *Order* is certain cold-rolled steel. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum accompanying this notice. A list of the issues raised by parties, and to which Commerce responded in the Issues and Decision Memorandum, is provided in Appendix I to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, we made certain changes to the subsidy rate calculations for POSCO, the calculation of the non-selected rate, and the draft customs instructions. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a description of the methodology underlying all of Commerce's conclusions, *see* the Issues and Decision Memorandum.

Companies Not Selected for Individual Review

The statute and Commerce's regulations do not directly address the establishment of rates to be applied to companies not selected for individual examination where Commerce limits in examination in an administrative review pursuant to section 777(A)(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. We also note that section 777A(e)(2) of the Act provides that ''the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.'' Section 705(c)(5)(A)(i) of the Act states that, in general, for companies not investigated, we will determine an all-others rate by using the weighted-average countervailable subsidy rates established for exporters and producers individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available. Additionally, section 705(c)(5)(A)(ii) of the Act provides that when the countervailable subsidy rates established for all exporters and producers individually investigated are zero or *de minimis* rates, or based solely on facts available, Commerce may use any reasonable method to establish a rate for the companies not individually investigated, including averaging the weighted-average countervailable subsidy rates determined for the exporters and producers individually investigated.

In the final results of this review, we calculated *de minimis* net countervailable subsidy rates for both Hyundai Steel and POSCO, the mandatory respondents. As a result, for the reasons discussed in the Issues and Decision Memorandum, we have determined that it is appropriate to assign to the companies subject to the review, but not selected for individual examination, the weighted-average of the most recently calculated countervailable subsidy rates that are not zero or *de minimis* rates, or based solely on facts available from the prior review (*i.e., CRS Third Admin Review Final Results*).[7] While Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-selected respondents, because each received a calculated rate in the prior review (*i.e., CRS Third Admin Review Final Results*), Commerce has found it appropriate to apply that calculated rate to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. in this review. For a list of the 45 companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent, *see* Appendix II to this notice.

Final Results of Administrative Review

We determine that, for the period January 1, 2019, through December 31, 2019, the following total estimated net countervailable subsidy rates exist:

[1] *See Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review, 2019,* 86 FR 55572 (October 6, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Countervailing Duty Administrative Review of Certain Cold-Rolled Steel Flat Products from the Republic of Korea; 2019: Post-Preliminary Analysis Memorandum,'' dated October 21, 2021.

[3] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Countervailing Duty Administrative Review; 2019: Extension of Deadline for Final Results,'' dated January 18, 2022.

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019 Administrative Review of the Countervailing Duty Order on Certain Cold-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Certain Cold-Rolled Steel Flat Products from Brazil, India, and the Republic of Korea: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (the Republic of Korea) and Countervailing Duty Orders (Brazil and India),* 81 FR 64436 (September 20, 2016) (*Order*).

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2018,* 86 FR 40465 (July 28, 2021) (*CRS Third Admin Review Final Results*).

[8] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with POSCO: Pohang Scrap Recycling Distribution Center Co. Ltd.; POSCO Chemical Co., Ltd.; POSCO M-Tech; POSCO Nippon Steel RHF Joint Venture Co., Ltd.; and POSCO Terminal. The subsidy rate applies to all cross-owned companies. We note that POSCO has an affiliated trading company through which it exported certain subject merchandise, POSCO International Corporation (POSCO International). POSCO International was not selected as a mandatory respondent, but was examined in the context of POSCO. Therefore, there is not an established rate for POSCO International and POSCO International's subsidies are accounted for in terms of POSCO's total subsidy rate. Instead, entries of subject merchandise exported by POSCO International will receive the rate of the producer listed on the entry form with CBP. Thus, the subsidy rate applied to POSCO and POSCO's cross-owned affiliated companies is also applied to POSCO International for entries of merchandise produced by POSCO.

[9] *See* Appendix II.

Producer/exporter	Subsidy rate *ad valorem* (percent)
Hyundai Steel Co., Ltd	* 0.46
POSCO [8]	* 0.22
Non-Selected Companies Under Review [9]	1.93
Dongbu Steel Co., Ltd./Dongbu Incheon Steel Co., Ltd.[10]	9.18

* *de minimis*.

Assessment Rate

Pursuant to 19 CFR 351.212(b)(2), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication). Because we have calculated *de minimis* countervailable subsidy rates for certain companies under review, we will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by the companies listed above, entered, or withdrawn from warehouse for consumption, from January 1, 2019, through December 31, 2019, without regard to countervailing duties in accordance with 19 CFR 351.212(b)(2) and 19 CFR 351.106(c).

Cash Deposit Rates

In accordance with section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to continue to suspend liquidation but not to collect cash deposits of estimated countervailing duties on shipments of subject merchandise by the companies under review entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms subject to the *Order,* we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific rate or the all-others rate (3.89 percent), as appropriate.[11] These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/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 sanctionable violation.

Disclosure

Commerce intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: April 1, 2022.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Changes Since the *Preliminary Results*
IV. Scope of the *Order*
V. Period of Review
VI. Subsidies Valuation Information
VII. Analysis of Programs
VIII. Discussion of the Issues
Comment 1: Whether Electricity is Subsidized by the Government of Korea (GOK)
Comment 2: Whether Commerce's Determination that Port Usage Rights Provide a Countervailable Benefit is Unsupported by Evidence and Contrary to Law
Comment 3: Whether Commerce Miscalculated the Benefit Conferred by the Industrial Technology Innovation Promotion Act (ITIPA) Program
Comment 4: Whether Commerce Should Continue to Include Benefits from Certain Industrial Technology Innovation Promotion Act Projects
Comment 5: Whether Commerce Should Exclude Quota Tariff Import Duty Exemptions Received on Certain Items Used to Produce Non-Subject Merchandise
Comment 6: Whether Commerce Should Modify the Trading Company Methodology for POSCO International Corporation (POSCO International)
Comment 7: Whether Commerce Made Certain Errors in the Draft Customs Instructions for POSCO International
Comment 8: Whether Commerce Made Certain Errors in the Draft Customs Instructions Related to Dongbu Steel Co., Ltd. (Dongbu Steel), Dongbu Incheon Steel Co., Ltd. (Dongbu Incehon), and KG Dongbu Steel Co., Ltd. (KG Dongbu Steel)
Comment 9: Whether Commerce Should Modify Its Selection of the Rate for Non-Selected Companies
IX. Recommendation

Appendix II

List of Non-Selected Companies

1. AJU Steel Co., Ltd.
2. Amerisource Korea
3. Atlas Shipping Cp. Ltd.
4. BC Trade
5. Busung Steel Co., Ltd.
6. Cenit Co., Ltd.
7. Daewoo Logistics Corp.
8. Dai Yang Metal Co., Ltd.
9. DK GNS Co., Ltd
10. Dongbu Incheon Steel Co., Ltd.[12]
11. Dongbu Steel Co., Ltd.[13]
12. KG Dongbu Steel Co., Ltd.
13. Dongbu USA
14. Dong Jin Machinery
15. Dongkuk Industries Co., Ltd.
16. Dongkuk Steel Mill Co., Ltd.
17. Eunsan Shipping and Air Cargo Co., Ltd.
18. Euro Line Global Co., Ltd.

[10] As described above, while Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-selected respondents, because each received a calculated rate in the prior review (*i.e., CRS Third Admin Review Final Results*), Commerce has found it appropriate to apply that calculated rate to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. in this review.

[11] *See Order,* 81 FR at 64438.

[12] While Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd. are non-selected respondents, because each received a calculated rate in the prior review (*i.e., CRS Third Admin Review Final Results*), Commerce has found it appropriate to apply that calculated rate to Dongbu Steel Co., Ltd. and Dongbu Incheon Steel Co., Ltd.

[13] *Id.*

19. GS Global Corp.
20. Hanawell Co., Ltd.
21. Hankum Co., Ltd.
22. Hyosung TNC Corp.
23. Hyuk San Profile Co., Ltd.
24. Hyundai Group
25. Iljin NTS Co., Ltd.
26. Iljin Steel Corp.
27. Jeen Pung Industrial Co., Ltd.
28. JT Solution
29. Kolon Global Corporation
30. Nauri Logistics Co., Ltd.
31. Okaya (Korea) Co., Ltd.
32. PL Special Steel Co., Ltd.
33. POSCO C&C Co., Ltd.
34. POSCO Daewoo Corp.
35. POSCO International Corp. (POSCO International Corporation)
36. Samsung C&T Corp.
37. Samsung STS Co., Ltd.
38. SeAH Steel Corp.
39. SM Automotive Ltd.
40. SK Networks Co., Ltd.
41. Taihan Electric Wire Co., Ltd.
42. TGS Pipe Co., Ltd.
43. TI Automotive Ltd.
44. Xeno Energy
45. Young Steel Co., Ltd.

[FR Doc. 2022–07502 Filed 4–7–22; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the procurement list.

SUMMARY: The Committee is proposing to add product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete service(s) previously furnished by such agencies.

DATES: Comments must be received on or before: May 8, 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 16800—6 in 1 Screwdriver
MR 16801—Flathead Screwdriver
MR 16802—Phillips Screwdriver
MR 16803—Needle Nose Pliers
MR 16804—Slip Joint Pliers
MR 16805—Adjustable Wrench, 6 Inches
MR 16806—Tape Measure
MR 16807—Tie Down Strap
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
Mandatory for: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4
Distribution: C-List

Deletions

The following service(s) are proposed for deletion from the Procurement List:

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: Cape Henlopen, USARC, Lewes, DE
Mandatory for: Fleming Goodwin, USARC, Dover, DE
Designated Source of Supply: CHI Centers, Inc., Silver Spring, MD
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–PICA
Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 3, Summersville Federal Building & Post Office, 449 Water Street, Summersville, WV
Designated Source of Supply: The Sheltered Workshop of Nicholas County, Inc., Craigsville, WV
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R3

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2022–07599 Filed 4–7–22; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to 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:* May 01 and 08, 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 12/17/2021, 1/14/2022, and 1/28/2022, 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:

Service Type: Custodial and Related Services
Mandatory for: GSA PBS Region 4, Carroll A. Campbell Jr. U.S. Courthouse, Greenville, SC
Designated Source of Supply: SC Vocations & Individual Advancement, Inc., Greenville, SC
Contracting Activity: PUBLIC BUILDINGS SERVICE, PBS R4 CAROLINAS CONTRACTS

The Committee finds good cause to dispense with the 30-day delay in the effective date normally required by the Administrative Procedure Act. See 5 U.S.C. 553(d). This addition to the Committee's Procurement List is effectuated because of the expiration of the General Services Administration (GSA), Custodial and Related Services, GSA Reg 4, Carroll A. Campbell Courthouse, Greenville, SC contract. The Federal customer contacted and has worked diligently with the AbilityOne Program to fulfill this service need under the AbilityOne Program. To avoid performance disruption, and the possibility that GSA will refer its business elsewhere, this addition must be effective on May 1, 2022, ensuring timely execution for a May 1, 2022, start date while still allowing 23 days for comment. The Committee published a notice of proposed Procurement List addition in the **Federal Register** on January 28, 2022 and did not receive any comments from any interested persons, including from the incumbent contractor. This addition will not create a public hardship and has limited effect on the public at large, but, rather, will create new jobs for other affected parties—people with significant disabilities in the AbilityOne program who otherwise face challenges locating employment. Moreover, this addition will enable Federal customer operations to continue without interruption.

Product(s)

NSN(s)—Product Name(s):
MR 16550—Automatic Umbrella
MR 16551—Oversize Automatic Umbrella
MR 16552—Family Golf Umbrella
MR 16553—Children's Umbrella
MR 10808—Ice Cream Bowl, Includes Shipper 20808
MR 10817—Worklight, Includes Shipper 20817
MR 10820—Mushroom Saver, Includes Shipper 20820
MR 10822—Popcorn Saver, Includes Shipper 20822
MR 10823—Popcorn Saver, Includes Shipper 20822
MR 10818—Pig Out Car Go Container, Includes Shipper 20818
MR 10829—Container, Grapes To Go, Includes Shipper 20829
MR 10828—Container, Olive Keeper, Includes Shipper 20828
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
Mandatory for: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4
Distribution: C-List

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2022–07600 Filed 4–7–22; 8:45 am]
BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 22–1]

Notice of Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Notice of prehearing conference for *In the Matter of Leachco, Inc.;* CPSC Docket No. 22–1.

DATES: Friday, April 22, 2022 at 1:00 p.m. Eastern Time.

ADDRESSES: This event will be held remotely.

FOR FURTHER INFORMATION CONTACT: Alberta E. Mills, Consumer Product Safety Commission, Office of the General Counsel, Division of the Secretariat, *cpsc-os@cpsc.gov*; 240–863–8938; 301–504–7479.

SUPPLEMENTARY INFORMATION: The text of the Presiding Officer's April 4, 2022 Order Scheduling Prehearing Conference appears below.

Authority: Consumer Product Safety Act, 15 U.S.C. 2064.

Dated: April 5, 2022.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Office of the Chief Administrative Law Judge 1331 Pennsylvania Ave. NW, Suite 520N, Washington, DC 20004–1710, Telephone: 202–434–9950, Fax: 202–434–9949

April 4, 2022

In the Matter of LEACHCO, INC., CPSC Docket No. 22–1

Respondent.

Order Scheduling Prehearing Conference

This proceeding commenced with the filing of a complaint on February 9, 2022. The complaint was published in the **Federal Register** on February 16, 2022. 87 FR 8,733, 8,804 (Feb. 16, 2022). An interagency agreement for the loan of my services to the Consumer Product Safety Commission was finalized on February 25, 2022. On March 17, 2022, the Chair of the CPSC appointed me as the presiding officer for this proceeding.

Under 16 CFR 1025.21, an initial prehearing conference shall be held within fifty days of the publication of the complaint in the **Federal Register** unless ''unusual circumstances would render it impractical or valueless'' to do so. Due to the timing of my appointment and the public notice requirement, holding a prehearing conference within fifty days of publication is impossible, and therefore impractical. A prehearing conference shall be held as follows:

Date: Friday, April 22, 2022.
Time: 1:00 p.m. Eastern Time.
Means: Zoom [link provided to those listed in Distribution].

Before the prehearing conference, the parties must confer and discuss the issues listed in 16 CFR 1025.21(a)(1) through (14). The parties should also discuss a plan for discovery and whether there are issues as to preservation, retrieval, review, disclosure, or production of discoverable information, including issues as to the disclosure or discovery of electronically stored information. The parties should have prepared for the conference, a summary of their discussion as well as proposed procedures and deadlines. The parties should also report whether they have discussed settlement and, if so, whether they believe settlement is possible or likely.

The CPSC should arrange for a court reporter for the prehearing conference. I

direct that notice of this conference be published in the **Federal Register**. 16 CFR 1025.21(b) (2022).

Michael G. Young

Distribution

Leah Ippolito, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *lippolito@cpsc.gov*

Brett Ruff, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *bruff@cpsc.gov*

Rosalee Thomas, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *rbthomas@cpsc.gov*

Caitlin O'Donnell, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *codonnell@cpsc.gov*

Cheryl A. Falvey, Crowell & Moring LLP, 1001 Pennsylvania Avenue NW, Washington, DC 20004, *cfalvey@crowell.com*

Bettina J. Strauss, Bryan Cave Leighton Paisner LLP, One Metropolitan Square, 211 North Broadway, Suite 3600, St. Louis, MO 63102, *bjstrauss@bclplaw.com*

Nina E. DiPadova, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *ndipadova@cpsc.gov*

Alberta E. Mills, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, *amills@cpsc.gov*

[FR Doc. 2022–07550 Filed 4–7–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Draft Environmental Impact Statement Regarding Army Training Land Retention at Pōhakuloa Training Area in Hawai'i

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army (Army) announces the availability of a Draft Environmental Impact Statement (Draft EIS) regarding its Proposed Action—*i.e.,* the Army's retention of up to approximately 23,000 acres of land the Army presently leases from the State of Hawai'i. This land is located at Pōhakuloa Training Area (PTA) on the island of Hawai'i. In accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA), the Draft EIS analyzes the potential direct, indirect, and cumulative impacts of a range of reasonable alternatives that meet the purpose of and need for the Proposed Action. The Draft EIS also analyzes the potential impacts of the No-Action Alternative, under which Army use of the land would cease altogether when the lease runs out in 2029. Because the proposed retention involves state-owned land, the EIS is a joint NEPA–HEPA document. Therefore, the public review process runs concurrently and meets NEPA and HEPA requirements.

DATES: The Army invites public comments on the Draft EIS during the 60-day public comment period, which begins April 8, 2022, and ends June 7, 2022. To be considered in the Final EIS, all comments must be postmarked or received by 11:59 p.m. Hawai'i Standard Time on June 7, 2022. Public meetings will be held in April 2022 to provide information on the Draft EIS and to enhance the opportunity for public input. Public meetings will be held in accordance with current COVID–19 restrictions. Information regarding how to participate in Draft EIS public meetings and how to submit comments is available on the EIS website: *https://home.army.mil/hawaii/index.php/PTAEIS.*

ADDRESSES: Written comments should be submitted through the EIS website (*https://home.army.mil/hawaii/index.php/PTAEIS*), emailed to *atlr-pta-eis@g70.design,* mailed to ATLR PTA EIS Comments, P.O. Box 3444, Honolulu, HI 96801–3444, or provided during public meetings. Comments must be postmarked or received by June 7, 2022.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Donnelly, Public Affairs Officer, by telephone at (808) 656–3160 or by email at *michael.o.donnelly.civ@army.mil.*

SUPPLEMENTARY INFORMATION: During World War II, the U.S. Marine Corps trained on the land now known as PTA. A 1956 maneuver agreement between the Territory of Hawai'i and the Army formally established PTA. In 1964, the State of Hawai'i granted the Army a 65-year lease of approximately 23,000 acres of land adjacent to PTA for military purposes. Utilities, critical infrastructure, maneuver area, and key training facilities now sit on this tract of leased land. Some of these human-made features are not available elsewhere in Hawai'i. The parcel also provides access between the PTA cantonment area and approximately 84,000 acres of adjacent, federally owned land at PTA.

The Draft EIS evaluates the potential impacts of a range of alternatives: (1) Full Retention (of approximately 23,000 acres); (2) Modified Retention (of approximately 19,700 acres); (3) Minimum Retention and Access (of approximately 10,100 acres and 11 miles of roads and training trails); and (4) No-Action Alternative (under which the lease lapses in 2029 and the Army loses access to the land).

The Draft EIS analyzes land use, biological resources, cultural resources, hazardous and toxic materials/wastes, air quality, greenhouse gases, noise, geology, topography, soils, water resources, socioeconomics, environmental justice, transportation, traffic, airspace, electromagnetic spectrum, utilities, human health, and safety.

The Draft EIS indicates that under Alternatives 1, 2, and 3, continued public access restrictions on land used for traditional and customary practices will result in significant but mitigable adverse impacts to cultural resources. These significant impacts can be mitigated through appropriate consultation with Native Hawaiians and/or other interested groups. Impacts can also be mitigated through provision of public access to promote and protect cultural beliefs, practices, and resources. Impacts to other resources are less than significant for all action alternatives. The No-Action Alternative would have significant adverse impacts on biological resources, socioeconomics, and utilities.

The Army distributed the Draft EIS to Native Hawaiian organizations, to federal, state, and local agencies/officials, and to other key stakeholders. The Draft EIS and related information are available on the EIS website at: *https://home.army.mil/hawaii/index.php/PTAEIS.* The public may also review the Draft EIS and select materials at the following libraries:

1. Hawai'i State Library, Hawai'i Documents Center, 478 S King Street, Honolulu, HI 96813
2. Hilo Public Library, 300 Waianuenue Avenue, Hilo, HI 96720
3. Kailua-Kona Public Library, 75–138 Hualalai Road, Kailua-Kona, HI 96740
4. Thelma Parker Memorial Public and School Library, 67–1209 Mamalahoa Highway, Kamuela, HI 96743

Native Hawaiian organizations, federal, state, and local agencies/

officials, and other interested entities/individuals are encouraged to comment on the Draft EIS during the 60-day public comment period. All timely comments will be considered in the development of the Final EIS.

James W. Satterwhite,

Army Federal Register Liaison Officer.

[FR Doc. 2022–07615 Filed 4–7–22; 8:45 am]

BILLING CODE 3711–02–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Early Engagement Opportunity: Implementation of National Defense Authorization Act for Fiscal Year 2022

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD announces an early engagement opportunity regarding implementation of the National Defense Authorization Act for Fiscal Year 2022 within the acquisition regulations.

DATES: Early inputs should be submitted in writing via the Defense Acquisition Regulations System (DARS) website shown below. The website will be updated when early inputs will no longer be accepted.

ADDRESSES: Submit early inputs via the DARS website at *https://www.acq.osd.mil/dpap/dars/early_engagement.html.* Send inquiries via email to *osd.dfars@mail.mil* and reference ''Early Engagement Opportunity: Implementation of NDAA for FY 2022'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Jennifer D. Johnson, telephone 703–717–8226.

SUPPLEMENTARY INFORMATION: DoD is providing an opportunity for the public to provide early inputs on implementation of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 within the acquisition regulations. The public is invited to submit early inputs on sections of the NDAA for FY 2022 via the DARS website at *https://www.acq.osd.mil/dpap/dars/early_engagement.html.* The website will be updated when early inputs will no longer be accepted. Please note, this venue does not replace or circumvent the rulemaking process. DARS will engage in formal rulemaking, in accordance with 41 U.S.C. 1707, when it has been determined that rulemaking is required to implement a section of the NDAA for FY 2022 within the acquisition regulations.

Authority: DoD Instruction 5000.35, Defense Acquisition Regulations (DAR) System.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2022–07546 Filed 4–7–22; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice of request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection must be received on or before June 7, 2022. If you anticipate any difficulty in submitting comments within that period, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

ADDRESSES: Written comments may be sent by email to *haleusurvey@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Reim, *michael.reim@nuclear.energy.gov,* 202–748–3383.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) *OMB No.:* 1910–New.

(2) *Information Collection Request Titled:* Survey of High-Assay, Low-Enriched Uranium (HALEU) Needs for Civilian Domestic Research, Development, Demonstration, and Commercial Use.

(3) *Type of Review:* New.

(4) *Purpose:* The purpose of this survey is to inform the planning and development of a Department of Energy (DOE) HALEU Availability Program. Section 2001 of The Energy Act of 2020 (Pub. L. 116–260, Dec. 27, 2020) directs the Secretary to establish and carry out, through the Office of Nuclear Energy (NE), a program to support the availability of HALEU for civilian domestic research and development, demonstration, and commercial use. The Act directs multiple actions to facilitate the development of a commercial HALEU supply chain including establishing a consortium of fuel cycle entities to partner with DOE in making HALEU available, and to provide HALEU to consortium members during development of commercial domestic sources. NE is developing plans to establish the HALEU Availability Program to implement these and other directed actions, including those related to HALEU fuel fabrication, enrichment, and transportation.

(5) *Annual Estimated Number of Respondents:* 50.

(6) *Annual Estimated Number of Total Responses:* 50.

(7) *Annual Estimated Number of Burden Hours:* 4.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $350.

Statutory Authority: Section 2001 of The Energy Act of 2020 (Pub. L. 116–260, Dec. 27, 2020).

Signing Authority

This document of the Department of Energy was signed on April 4, 2022, by Sal J. Golub, Acting Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Chain, Office of Nuclear 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 April 5, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–07545 Filed 4–7–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information; Bipartisan Infrastructure Law (BIL)—Request for Information on Energy Improvements at Public School Facilities

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its request for information (RFI) number DE–FOA–0002715 regarding the implementation of the Infrastructure Investment and Jobs Act (IIJA), Grants for Energy Efficiency Improvements and Renewable Energy Improvements at Public School Facilities. The purpose of this RFI is to solicit feedback from Local Education Agencies (LEAs), school staff, states, local governments, energy service companies, unions, service providers, utilities, researchers, community partners, manufacturers, and other stakeholders on issues related to program development and execution of IIJA. The Office of Energy Efficiency and Renewable Energy (EERE) is specifically interested in information on capacity development and technical assistance needs of applicants and their stakeholders and partners; how to define, support, and leverage the needs assessments required of applicants; initial methodologies for evaluating priority eligibility and award metrics; potential partnerships structures and models to achieve the goals of the provision and maximize impact; pathways and models to leverage the financial investments to reach more facilities and achieve deeper impact; and workforce development.

DATES: Responses to the RFI must be received by 5:00 p.m. (ET) on May 18, 2022.

ADDRESSES: Interested parties are to submit comments electronically to *SchoolsRFI@doe.gov.* Include ''Schools RFI Response'' in the subject line of the email. Responses must be provided as attachments to an email. It is recommended that attachments with file sizes exceeding 25MB be compressed (*i.e.,* zipped) to ensure message delivery. Responses must be provided as a Microsoft Word (.docx) attachment to the email, and no more than 10 pages in length, 12-point font, 1 inch margins. Only electronic responses will be accepted.

Please identify your answers by responding to a specific question or topic if applicable. Respondents may answer as many or as few questions as they wish.

EERE will not respond to individual submissions or publish publicly a compendium of responses. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed. The complete RFI document is located at *https://eere-exchange.energy.gov/.*

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to *SchoolsRFI@doe.gov* or Sam Petty at 240–562–1335. Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The 100,000 public K–12 schools across the United States (U.S.) contain the classrooms, libraries, cafeterias, playgrounds, and gyms where 50 million students learn, eat, build friendships, and exercise. As the second largest sector of public infrastructure spending in the U.S., public K–12 schools are also a center of our communities, serving as voting and polling locations, emergency shelters, and community gathering places. The significant under-investment in energy improvements at American schools, however, results in unnecessarily high utility costs and contributes to unhealthy and uncomfortable environments for students, teachers, and staff.

The Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58), American Rescue Plan Act of 2021 (ARP) (Pub. L. 117–2), and 2021 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) (Pub. L. 116–260, Div. M), provide tens of billions of dollars in new funding to U.S. K–12 public schools for facility and transportation improvements. Strategic use of this funding will help remedy the historic inequity of school facilities investments, reduce school energy expenditures, help schools lead the nation in solving the climate crisis, and create good-paying union jobs.

Through this RFI, the U.S. Department of Energy (DOE) Office of Energy Efficiency and Renewable Energy (EERE) seeks input regarding the implementation of Section 40541 of the IIJA, which provides $500 million for grants for energy improvements [1] at public school facilities. DOE aims to facilitate substantial additional investment, prioritize schools with high needs, minimize administrative burden, and build enduring capacity in local educational agencies (LEAs) and the states to maximize impact equitably and efficiently. DOE is seeking information amongst these six categories of questions:

1. Capacity Development for Local Education Agencies
2. Needs Assessments
3. Criteria and Metrics
4. Workforce
5. Leveraging Funds
6. Partnership Structures

The RFI is available at: *https://eere-exchange.energy.gov/.*

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, postal mail, or hand delivery 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. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signing Authority: This document of the Department of Energy was signed on April 1, 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 April 5, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–07548 Filed 4–7–22; 8:45 am]

BILLING CODE 6450–01–P

[1] See IIJA Section 40541(a)(4) for statutory definition.

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. 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 its collection, titled ''Assistance to Foreign Atomic Energy Activities'', OMB Control Number 1901–0263.

DATES: Comments regarding this proposed information collection must be received on or before May 9, 2022. If you anticipate that you will be submitting comments but find it difficult to do so within the period 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: Additional information on DOE's regulation of assistance to foreign atomic energy activities pursuant to 10 CFR part 810 is available at *www.energy.gov/nnsa/10-cfr-part-810.* For other questions, contact Katie Strangis, Deputy Director, Office of Nonproliferation and Arms Control, NA–24, National Nuclear Security Administration, Department of Energy, 1000 Independence Avenue SW, Room 7F–075, Washington, DC 20585, telephone (202) 586–8623.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1901–0263;

(2) *Information Collection Request Title:* Assistance to Foreign Atomic Energy Activities;

(3) *Type of Request:* Extension;

(4) *Purpose:* This collection of information is necessary in order to provide the Secretary of Energy with the appropriate information needed to make informed determinations regarding requests to directly or indirectly engage or participate in the development or production of special nuclear material outside the United States;

(5) *Annual Estimated Number of Respondents:* 105;

(6) *Annual Estimated Number of Total Responses:* 869;

(7) *Annual Estimated Number of Burden Hours:* 1872;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $183,540.

Statutory Authority: Section 57 b.(2) of the Atomic Energy Act (AEA) of 1954 and Section 161(c) of the AEA.

Signing Authority

This document of the Department of Energy was signed on April 4, 2022, by Corey Hinderstein, Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security 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 April 5, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–07547 Filed 4–7–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–1549–000]

Sun Streams PVS, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sun Streams PVS, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 25, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 4, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–07568 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–49–000.
Applicants: Pixelle Specialty Solutions Holding LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Pixelle Specialty Solutions Holding LLC, et al.
Filed Date: 4/1/22.
Accession Number: 20220401–5590.
Comment Date: 5 p.m. ET 4/22/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2429–003.
Applicants: ISO New England Inc., Central Maine Power Company.
Description: Central Maine Power Company submits Compliance Filing as directed in December 22, 2021 Commission Order.
Filed Date: 3/31/22.
Accession Number: 20220331–5630.
Comment Date: 5 p.m. ET 4/21/22.

Docket Numbers: ER21–2179–002.
Applicants: Oliver Wind I, LLC.
Description: Compliance filing: Compliance Filing Under Docket ER21–2179 to be effective 9/1/2021.
Filed Date: 4/4/22.
Accession Number: 20220404–5143.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER21–2401–002.
Applicants: Oliver Wind Energy Center II, LLC.
Description: Compliance filing: Compliance Filing Under ER21–2401 to be effective 9/1/2021.
Filed Date: 4/4/22.
Accession Number: 20220404–5144.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1003–001.
Applicants: Southwestern Public Service Company.
Description: Tariff Amendment: LPL Second Amended PR Agreement Deferral Filing to be effective 12/31/9998.
Filed Date: 4/4/22.
Accession Number: 20220404–5069.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1483–001.
Applicants: Saavi Energy Solutions, LLC.
Description: Notice of Change in Status of Saavi Energy Solutions, LLC.
Filed Date: 3/31/22.
Accession Number: 20220331–5629.
Comment Date: 5 p.m. ET 4/21/22.

Docket Numbers: ER22–1551–000.
Applicants: Windstar Energy, LLC.
Description: Baseline eTariff Filing: Notice of Succession, Revision to MBR Tariff & Request for Admin Cancellation to be effective 4/2/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5380.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1552–000.
Applicants: Alta Wind VIII, LLC.
Description: Baseline eTariff Filing: Notice of Succession, Revision to MBR Tariff & Request for Admin Cancellation to be effective 4/2/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5381.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1553–000.
Applicants: Granite Reliable Power, LLC.
Description: Baseline eTariff Filing: Notice of Succession, Revision to MBR Tariff & Request for Admin Cancellation to be effective 4/2/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5382.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1554–000.
Applicants: Ford County Wind Farm LLC.
Description: Baseline eTariff Filing: Reactive Power Tariff Application to be effective 6/1/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5000.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1555–000.
Applicants: Mississippi Power Company.
Description: Mississippi Power Company submits Waiver Request of Commission's filing requirement 18 CFR 35.13(d)(3)(i), Requesting the Commission Waive Standard Filing Requirements and Accept MRA Period I.
Filed Date: 3/30/22.
Accession Number: 20220330–5277.
Comment Date: 5 p.m. ET 4/20/22.

Docket Numbers: ER22–1556–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original NSA, Service Agreement No. 6392; Queue No. AD1–082 to be effective 3/7/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5070.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1557–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Tariff Clean-Up Filing Effective 20220518 to be effective 5/18/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5098.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1558–000.
Applicants: Public Service Company of New Mexico.
Description: Annual Filing of Post-Employment Benefits Other than Pensions for 2022 of Public Service Company of New Mexico.
Filed Date: 4/1/22.
Accession Number: 20220401–5587.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1559–000.
Applicants: AEP Texas Inc.
Description: § 205(d) Rate Filing: AEPTX-Monte Alto Windpower 4th A&R GIA to be effective 3/22/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5150.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1560–000.
Applicants: Brookfield Energy Marketing Inc.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5165.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1561–000.
Applicants: Brookfield Energy Marketing LP.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5170.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1562–000.
Applicants: Brookfield Renewable Energy Marketing US LLC.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5173.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1563–000.
Applicants: Brookfield Renewable Trading and Marketing LP.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5179.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1564–000.
Applicants: Imperial Valley Solar 1, LLC.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5183.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1565–000.
Applicants: Mesa Wind Power LLC.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5186.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1566–000.
Applicants: Guernsey Power Station LLC.
Description: Baseline eTariff Filing: Guernsey Power MBR to be effective 5/16/2022.

Filed Date: 4/4/22.
Accession Number: 20220404–5187.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1567–000.
Applicants: Regulus Solar, LLC.
Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the SW Region to be effective 4/5/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5189.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1568–000.
Applicants: Virginia Electric and Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Virginia Electric and Power Company submits tariff filing per 35.13(a)(2)(iii: Dominion submits revisions to OATT, Attachment H–16AA to be effective 7/1/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5192.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1569–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3927 Diversion Wind Energy GIA to be effective 3/9/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5195.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1570–000.
Applicants: Parkway Generation Operating LLC.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule and Request for Waivers to be effective 6/1/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5202.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1571–000.
Applicants: NextEra Energy Transmission New York, Inc., New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: NextEra Energy Transmission New York, Inc. submits tariff filing per 35.13(a)(2)(iii: 205: NextEra formula rate filing of new depreciation rates to be effective 6/1/2022.
Filed Date: 4/4/22.
Accession Number: 20220404–5204.
Comment Date: 5 p.m. ET 4/25/22.

Docket Numbers: ER22–1572–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: MISO Schedule 50 Cost Recovery Filing of Michigan Electric Transmission Company, LLC.
Filed Date: 4/1/22.
Accession Number: 20220401–5594.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1573–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: MISO Schedule 50 Cost Recovery Filing of Michigan Electric Transmission Company, LLC.
Filed Date: 4/1/22.
Accession Number: 20220401–5595.
Comment Date: 5 p.m. ET 4/22/22.

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: April 4, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–07567 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3133–033]

Brookfield White Pine Hydro, LLC, Errol Hydro Co., LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 3133–033.

c. *Date filed:* July 30, 2021.

d. *Applicant:* Brookfield White Pine Hydro, LLC and Errol Hydro Co., LLC (the licensees).

e. *Name of Project:* Errol Hydroelectric Project (Errol Project).

f. *Location:* The Errol Project is located on the Androscoggin River and Umbagog Lake, near the Town of Errol, and Township of Cambridge, NH, in Coos Wing County, New Hampshire and the Towns of Magalloway Plantation and Upton in Oxford County, Maine. The project occupies 3,285 acres federal land in the Umbagog National Wildlife Refuge administered by the U.S. Fish and Wildlife Service.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Tom Uncher, Vice President, Brookfield White Pine Hydro, LLC, Errol Hydroelectric Co., LLC, 339B Big Bay Rd., Queensbury, NY 12804, Phone at: (518) 743–2018, *Thomas.Uncher@brookfieldrenewable.com.*

i. *FERC Contact:* Kelly Wolcott at (202) 502–6480 or email at *kelly.wolcott@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–3133–033.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must

also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on July 15, 2020, revising the regulations under 40 CFR parts 1500–1518 that federal agencies use to implement the National Environmental Policy Act (see Update to the Regulations Implementing the Procedural Provisions of the NEPA, 85 FR 43,304). The Final Rule became effective on and applies to any NEPA process begun after September 14, 2020. An agency may also apply the regulations to ongoing activities and environmental documents begun before September 14, 2020, which includes the proposed Errol Project. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. *The Errol Project consists of:* (1) An existing dam consisting of a 25-foot-high, 202.5-foot-long gated section separated by rock-filled timber or concrete crib piers supporting five sluice gates and seven deep gates, and an earthen dike with a sheet steel cut-off wall on the upstream side, extending approximately 50 feet from the end of the gated section of the dam to the northwestern wall of the powerhouse and then extending another approximately 70 feet from the southeastern powerhouse wall to the eastern embankment; (2) an approximately 9,098-acre project impoundment with a storage capacity of 89,568 acre-feet at a normal pond elevation of 1,247 feet, which includes an approximately 3-mile-long reach of the Androscoggin River above Errol Dam, Umbagog Lake, and approximately 4.3 miles of the Magalloway River; (3) a reinforced concrete powerhouse containing one horizontal double regulated bulb turbine-generator unit with a hydraulic capacity of 2,600 cubic feet per second and an authorized installed generating capacity of 2,031 kilowatts (kW); (4) an approximately 80-foot-long tailrace; (5) a 3,333-kilovolt-ampere substation power transformer; and (6) appurtenant facilities.

The Errol Project is operated in accordance with the current license, and three water agreements that dictate operational flows in the watershed for other hydropower developments and for waterfowl nesting, with an estimated annual energy production of approximately 15,944 megawatt hours. The licensees propose to operate the project allowing for seasonal flows necessary for waterfowl nesting in Umbagog Lake and spring runoff and does not propose any new construction to the project. A license amendment was issued for the project in 2016 (156 FERC ¶ 62,045 (2016)), which approved the installation of a sixth turbine generator unit, which would increase the total installed capacity to 3,542.5 kW; however, the additional generator unit has not yet been installed.

m. A copy of the application can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC at *FERCOnllineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''PRELIMINARY TERMS AND CONDITIONS,'' or ''PRELIMINARY FISHWAY PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. The license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) evidence of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please note that the certification request must be sent to the certifying authority and to the Commission concurrently.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for Filing Protest, Motion to Intervene, Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions.	June 2022.
Deadline for Filing Reply Comments	July 2022.

Dated: April 4, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07530 Filed 4–7–22; 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: RP22–797–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Conoco Apr 4, 2022) to be effective 4/4/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5113.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–798–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Apr 2022 to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5133.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–800–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Colonial 262963 and Vitol 262964—NR Agmts to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5183.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–801–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (Hartree) to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5185.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–802–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rates—Various Customers eff 4–1–22 to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5229.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–803–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: ANR—Freepoint Commodities 137467 Negotiated Rate Agreement to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5231.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–804–000.
Applicants: High Point Gas Transmission, LLC.
Description: Compliance filing: High Point Gas Transmission Annual LAUF Filing to be effective N/A.
Filed Date: 4/1/22.
Accession Number: 20220401–5273.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–805–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (SoCal Apr 2022) to be effective 4/4/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5308.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–806–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: SWN FTS 244599 Rev. 1 Amendment to be effective 4/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5384.
Comment Date: 5 p.m. ET 4/13/22.

Docket Numbers: RP22–807–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: Compliance filing: Ozark Gas Actual Fuel Use Filing to be effective N/A.
Filed Date: 4/1/22.
Accession Number: 20220401–5391.
Comment Date: 5 p.m. ET 4/13/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 4, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–07566 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–77–000.
Applicants: Seven Cowboy Wind Project, LLC.
Description: Seven Cowboy Wind Project, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/31/22.
Accession Number: 20220331–5424.
Comment Date: 5 p.m. ET 4/21/22.

Docket Numbers: EG22–78–000.
Applicants: Laurel Mountain BESS, LLC.
Description: Laurel Mountain BESS, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/31/22.
Accession Number: 20220331–5432.
Comment Date: 5 p.m. ET 4/21/22.

Docket Numbers: EG22–79–000.
Applicants: Chesapeake Beach BESS LLC.
Description: Chesapeake Beach BESS LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 4/1/22.
Accession Number: 20220401–5241.
Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: EG22–80–000.
Applicants: Longbow Solar, LLC.
Description: Longbow Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 4/1/22.
Accession Number: 20220401–5327.
Comment Date: 5 p.m. ET 4/22/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–892–001.
Applicants: Atlantic City Electric Company.
Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/15/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5000.
Comment Date: 5 p.m. ET 4/6/22.

Docket Numbers: ER22–901–001.
Applicants: Atlantic City Electric Company.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 4/15/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5001.
Comment Date: 5 p.m. ET 4/6/22.
Docket Numbers: ER21–1488–001.
Applicants: Luna Storage, LLC.
Description: Compliance filing: Luna Storage, LLC Notice of Change in Status to be effective 5/31/2021.
Filed Date: 4/1/22.
Accession Number: 20220401–5235.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER21–2498–002.
Applicants: Versant Power.
Description: Compliance filing: Modify 676–I Compliance Filing per FERC's 3–7–2022 Order (ER21–2498–) to be effective 5/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5107.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1377–001.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.
Description: Tariff Amendment: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 2022–04–01_SA 2801 ATC-City of Sturgeon Bay Substitute 2nd Rev CFA to be effective 5/18/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5149.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1530–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) Rate Filing: 2022–03–31 Production Depreciation Rates to be effective 4/1/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5334.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1531–000.
Applicants: New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: April 2022 Membership Filing to be effective 4/1/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5335.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1532–000.
Applicants: Sun Streams, LLC.
Description: § 205(d) Rate Filing: Certificate of Concurrence to Amended and Restated Shared Facilities Agreement to be effective 4/1/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5354.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1533–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: SPP–MISO JOA Revisions to Section 9.4 Regarding Interconnection Requests to be effective 5/31/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5364.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1534–000.
Applicants: Sun Streams, LLC.
Description: Tariff Amendment: Notice of Cancellation of Rate Schedule to be effective 4/1/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5369.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1535–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–03–31_MISO SPP JOA re: Affected Systems Queue Priority to be effective 5/31/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5376.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1536–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised Service Agreement No. 653—NITSA between PJM and Borough of Chambersburg to be effective 4/1/2022.
Filed Date: 3/31/22.
Accession Number: 20220331–5387.
Comment Date: 5 p.m. ET 4/21/22.
Docket Numbers: ER22–1537–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Annual Real Power Loss Factor Filing for 2022 to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5002.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1538–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits Revised Interconnection Agreement (IA) SA No. 3994 to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5009.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1539–000.
Applicants: NRG Power Marketing LLC.
Description: § 205(d) Rate Filing: Reliability Must-Run Rate Schedule, Electric Rate Schedule FERC No. 3 to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5017.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1540–000.
Applicants: NRG Power Marketing LLC.
Description: § 205(d) Rate Filing: Proposed Revisions to Reactive Service Rate Schedule to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5019.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1541–000.
Applicants: Southwestern Public Service Company.
Description: § 205(d) Rate Filing: NM Coop From FR to PR to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5024.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1542–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Notice of Cancellation of SA Nos. 4790 and 4791—Cheoah and Calderwood PTAs to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5125.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1543–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–04–01_SA 3503_Termination of ITC-Orion Renewable Resources GIA (J833) to be effective 1/20/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5135.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1544–000.
Applicants: Chesapeake Beach BESS LLC.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5157.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1545–000.
Applicants: Midcontinent Independent System Operator, Inc., Montana-Dakota Utilities Co.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022–04–01_Montana-Dakota Utilities (MDU) Depreciation Rates to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5238.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1546–000.
Applicants: Tampa Electric Company.
Description: Compliance filing: Order No. 881_Managing Transmission Line Ratings to be effective 6/1/2022.
Filed Date: 4/1/22.
Accession Number: 20220401–5239.
Comment Date: 5 p.m. ET 4/22/22.
Docket Numbers: ER22–1547–000.
Applicants: RockGen Energy LLC.

Description: Tariff Amendment: Notice of Cancellation of FERC Electric Tariff No. 1 (MBR Tariff) to be effective 4/2/2022.

Filed Date: 4/1/22.

Accession Number: 20220401–5296.

Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1548–000.

Applicants: ISO New England Inc., The Connecticut Light and Power Company.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): CL&P; Proposed Change to Depreciation Rate in CL&P's Appendix D to Attachment F to be effective 7/1/2022.

Filed Date: 4/1/22.

Accession Number: 20220401–5348.

Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1549–000.

Applicants: Sun Streams PVS, LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Application and Request for Expedited Treatment to be effective 5/16/2022.

Filed Date: 4/1/22.

Accession Number: 20220401–5357.

Comment Date: 5 p.m. ET 4/22/22.

Docket Numbers: ER22–1550–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Amendment No. 1 to Service Agreement No. 389 to be effective 6/1/2021.

Filed Date: 4/1/22.

Accession Number: 20220401–5364.

Comment Date: 5 p.m. ET 4/22/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES22–33–000.

Applicants: Southwest Power Pool, Inc.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Southwest Power Pool, Inc.

Filed Date: 4/1/22.

Accession Number: 20220401–5300.

Comment Date: 5 p.m. ET 4/22/22.

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: April 1, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–07480 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–4–000]

Commission Information Collection Activities (FERC Form Nos. 6, 6T, 6–Q, and 6–QT); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC Form Nos. 6 and 6T (Annual Report of Oil Pipeline Companies) and 6–Q and 6–QT (Quarterly Report of Oil Pipeline Companies). The Commission published a 60-day notice in the **Federal Register** on November 18, 2021. The Commission received two comments.

DATES: Comments on collections of information are due May 9, 2022.

ADDRESSES: Send written comments on FERC Form Nos. 6, 6T, 6–Q, and 6–QT to the Office of Management and Budget (OMB) through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902–0022 (FERC Form No. 6), 1902–0206 (FERC Form No. 6–Q), 1902–0314 (FERC Form No. 6T), and/or 1902–0310 (FERC Form No. 6–QT) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**. Please submit copies of your comments (identified by Docket No. IC22–4–000) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
  - ○ *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - ○ *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Titles: FERC Form Nos. 6 and 6T (Annual Report of Oil Pipeline Companies), 6–Q and 6–QT (Quarterly Report of Oil Pipeline Companies).

OMB Control Nos.: 1902–0022 (FERC Form No. 6), 1902–0206 (FERC Form No. 6–Q), 1902–0314 (FERC Form No. 6T), and 1902–0310 (FERC Form No. 6–QT).

Type of Respondent: Oil pipelines.

Type of Request: Three-year extensions of FERC Form Nos. 6, 6T, 6–Q, and 6–QT information collections with no changes to the current reporting and recordkeeping requirements.[1 2] This

[1] Due to expiration dates in 2019 for many of the Commission's financial forms, the renewal work for several of the forms was in process or pending at OMB during the 2019 Forms Refresh rulemaking effort in Docket No. RM19–12–000. OMB can only have one OMB Control No. pending review at a time. To submit the rulemaking timely to OMB, we assigned alternate ''temporary'' information collection numbers (FERC Form No. 6–T and FERC Form No. 6–QT). Accordingly, FERC Form Nos. 6T and 6–QT represent the additional burden associated with final rule in RM19–12–000. *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 84 FR 30620 (June 27, 2019), 167 FERC ¶ 61,241 (2019).

Continued

renewal incorporates the requirements and burden represented by the 6T and 6–QT into FERC Form Nos. 6 and 6Q, respectively. Staff anticipates that the Commission will seek to retire the 6T and 6–QT as duplicative after OMB decisions are made.

The Commission published a 60-day notice on November 18, 2021 in the **Federal Register** (86 FR 67052) and received comments from the Bureau of Economic Analysis (BEA) and XBRL US, Inc. (XBRL US).

FERC Form No. 6, Annual Report of Oil Pipeline Companies

In 1977, the Department of Energy Organization Act transferred to the Commission from the Interstate Commerce Commission (ICC) the responsibility to regulate oil pipeline companies. In accordance with the transfer of authority, the Commission was delegated the responsibility to require oil pipelines to file annual reports of information necessary for the Commission to exercise its statutory responsibilities.[3] The transfer included the ICC Form P, the predecessor to FERC Form No. 6.[4]

To reduce burden on industry, FERC Form No. 6 has three tiers of reporting requirements:

1. Each oil pipeline carrier whose annual jurisdictional operating revenues has been $500,000 or more for each of the three previous calendar years must file FERC Form No. 6 (18 CFR 357.2 (a)). Oil pipeline companies subject to the provisions of section 20 of the ICA must submit FERC Form No. 6–Q (18 CFR 357.4(b)). Newly established entities must use projected data to determine whether FERC Form No. 6 must be filed.

2. Oil pipeline carriers exempt from filing FERC Form No. 6 whose annual jurisdictional operating revenues have been more than $350,000 but less than $500,000 for each of the three previous calendar years must prepare and file page 301, ''Operating Revenue Accounts (Account 600),'' and page 700, ''Annual Cost of Service Based Analysis Schedule,'' of FERC Form No. 6. When submitting pages 301 and 700, each exempt oil pipeline carrier must include page 1 of FERC Form No. 6, the Identification and Attestation schedule (18 CFR 357.2 (a)(2)).

3. Oil pipeline carriers exempt from filing FERC Form No. 6 and page 301 and whose annual jurisdictional operating revenues were $350,000 or less for each of the three previous calendar years must prepare and file page 700, ''Annual Cost of Service Based Analysis Schedule,'' of FERC Form No. 6. When submitting page 700, each exempt oil pipeline carrier must include page 1 of FERC Form No. 6, the Identification and Attestation schedule (18 CFR 357.2 (a)(3)).

The Commission uses the data in FERC Form Nos. 6 and 6–Q to perform audits and to review the financial condition of oil pipelines; assess energy markets; conduct oil pipeline rate proceedings and economic analysis; conduct research for use in administrative litigation; and administer the requirements of the ICA. Data from FERC Form No. 6 facilitates the calculation of the actual rate of return on equity for oil pipelines. The actual rate of return on equity is particularly useful information when evaluating a pipeline's rates.

The Commission also uses data on page 301 of FERC Form No. 6 to compute annual charges which are then assessed against oil pipeline companies to recover the Commission's annual costs as mandated by Order No. 472. The annual charges are required by Section 3401 of the Omnibus Budget Reconciliation Act of 1986.

Furthermore, the majority of state regulatory commissions use FERC Form Nos. 6 and 6–Q and the Commission's Uniform System of Accounts (USofA) to satisfy their reporting requirements for those companies under their jurisdiction. In addition, the public uses the data in FERC Form Nos. 6 and 6–Q to assist in monitoring rates, the financial condition of the oil pipeline industry, and in assessing energy markets.

FERC Form No. 6–Q, Quarterly Financial Report of Oil Pipeline Companies

The Commission uses the information collected in FERC Form No. 6–Q to carry out its responsibilities in implementing the statutory provisions of the ICA to include the authority to prescribe rules and regulations concerning accounts, records, and memoranda, as necessary or appropriate. Financial accounting and reporting provide necessary information concerning a company's past performance and its future prospects. Without reliable financial statements prepared in accordance with the Commission's USofA and related regulations, it would be difficult for the Commission to accurately determine the costs that relate to a particular time period, service, or line of business.

The Commission uses data from FERC Form No. 6–Q to assist in: (1) Implementation of its financial audits and programs; (2) continuous review of the financial condition of regulated companies; (3) assessment of energy markets; and (4) rate proceedings and economic analyses.

Financial information reported on the quarterly FERC Form No. 6–Q provides the Commission, as well as customers, investors and others, an important tool to help identify emerging trends and issues affecting jurisdictional entities within the energy industry. It also provides timely disclosures of the impacts that new accounting standards, or changes in existing standards, have on jurisdictional entities, as well as the economic effects of significant transactions, events, and circumstances. The reporting of this information by jurisdictional entities assists the Commission in its analysis of profitability, efficiency, risk, and in its overall monitoring.

XBRL, Order No. 859, and FERC Form Nos. 6 and 6–Q

Previously, FERC Form Nos. 6 and 6–Q filers would transmit the information in the forms to the Commission using a software application called Visual FoxPro (VFP). This application is no longer supported by its developer, Microsoft Corporation. As a result, in April 2015, the Commission issued an order announcing its intention to replace the VFP filing format for certain

[2] For purposes of this notice, unless otherwise stated, FERC Form Nos. 6 and 6T are collectively referred to as ''FERC Form No. 6,'' and FERC Form Nos. 6Q and 6–QT are collectively referred to as ''FERC Form No. 6Q.''

[3] Section 402(b) of the Department of Energy Organization Act (DOE Act), 42 U.S.C. 7172 provides that; ''[t]here are hereby transferred to, and vested in, the Commission all functions and authority of the Interstate Commerce Commission or any officer or component of such Commission where the regulatory function establishes rates or charges for the transportation of oil by pipeline or established the valuation of any such pipeline.''

[4] The ICC developed the Form P to collect information on an annual basis to enable it to carry out its regulation of oil pipeline companies under the Interstate Commerce Act. A comprehensive review of the reporting requirements for oil pipeline companies was performed on September 21, 1982, when the Commission issued Order 260 revising the former ICC Form P, ''Annual Report of Carriers by Pipeline'' and redesignating it as FERC Form No. 6, ''Annual Report of Oil Pipeline Companies''.

[5] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019).

[6] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3. The burden hours and costs are rounded for ease of presentation.

[7] The cost is based on FERC's 2021 Commission-wide average salary cost (salary plus benefits) of $87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

Commission forms (including FERC Form Nos. 6 and 6–Q) with an eXtensible Markup Language (XML)-based filing format. On June 20, 2019, the Commission issued Order No. 859, which adopted XBRL as the standard for filing FERC Form Nos. 6 and 6–Q and certain other Commission forms.[5]

FERC Form Nos. 6 and 6–Q

Estimates of Annual Burden[6] *and Cost:*[7]

FORM 6 (OMB CONTROL NO. 1902–0022) INCLUDING FORM 6–T (OMB CONTROL NO. 1902–0314)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Form 6	262	1	262	161 $14,007	42,182 $3,669,834	$14,007
Form 6–T	262	1	262	14 $1,218	3,668 $319,116	1,218
Total (includes both Form 6 and Form 6–T)					45,850 $3,988,950	15,225

FORM 6Q (OMB CONTROL NO. 1902–0206) INCLUDING FORM 6–QT (OMB CONTROL NO. 1902–0310)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Form 6Q	262	3	786	150 $13,050	117,900 $10,257,300	$39,150
Form 6–QT	262	3	7786	0 $0	0 $0	0
Total (includes both Form 6Q and Form 6–QT)					17,900 $10,257,300	39,150

The quarterly filings are generally a subset of the annual filings. For this reason, the XBRL burden (''6–QT'') hours are ''0'' because the burden associated with the 6–QT is already incorporated into other burden numbers for FERC Form No. 6–T.

60-Day Comments

Comments

BEA Comments: BEA supports the collection of the FERC Form Nos. 6 and 6–Q data and comments that it is interested in any modifications that are made to the forms. BEA explains that it uses data from FERC Form Nos. 6 and 6–Q indirectly in estimating the U.S. Census Bureau's Construction Value Put in Place (VPIP) for oil pipeline utilities. BEA further explains that census VPIP serves a major source data input to the national income and product account (NIPA) structures investment estimates. BEA states that NIPA estimates for electric, gas, and pipeline structures rely on the VPIP source data, and that estimates of utility industry structures investiment for the BEA fixed assests accounts relies upon the VIP-based NIPA structures estimates.

BEA points out that the FERC Form No. 6 is used indirectly to derive annual pipeline transportation output in the industry accounts program. Moreover, BEA highlights that data obtained by the industry accounts from the Association of Oil Pipelines ''Shifts in Petroleum Transportation'' report is based, in part, on this survey. Finally, BEA indicates that it currently uses the forms information indirectly through the VPIP program and the trade association, and is considered an indispensable data source to the NIPA estimates and industry account estimates.

FERC Response: The Commission finds BEA's comments regarding the usefulness of the Form Nos. 6 and 6–Q to be helpful. With respect to BEA's concerns about modifications to the forms, the Commission generally does not make any changes to the data collected in the financial forms without first offering a public process by which interested parties, like BEA, may comment on any proposals to change the collection.

XBRL US Comment: XBRL US supports the current requirements that the FERC Form Nos. 6 and 6–Q be prepared in XBRL format. XBRL US explains that the requirement for XBRL-structured data ensures that the forms data is machine-readable data, which XBRL US believes improves the ability of the Commission to perform audits and reviews, and conduct research. XBRL US further comments that the use of XBRL also enhances the usefulness of the data for the public who rely on FERC data to monitor rates as well as

[5] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019).

[6] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3. The burden hours and costs are rounded for ease of presentation.

[7] The cost is based on FERC's 2021 Commission-wide average salary cost (salary plus benefits) of $87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

the financial condition of the oil pipeline industry and the energy markets.

FERC Response: The Commission recognizes XBRL US's support for the requirement that filers prepare the FERC Form Nos. 6 and 6–Q in XBRL format.

Abstract: Under the Interstate Commerce Act (ICA),[8] the Commission is authorized and empowered to make investigations and to collect and record data to the extent the Commission may consider to be necessary or useful for the purpose of carrying out the provisions of the ICA. The Commission must ensure just and reasonable rates for transportation of crude oil and petroleum products by pipelines in interstate commerce.

30-Day Comments

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of information collections, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collections; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07402 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

[8] 49 U.S.C. part 1, § 20, 54 Stat. 916.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Change in Date for the July Open Commission Meeting

Take notice that the Commission has revised the date for its July 2022 open meeting. The meeting will take place on Thursday, July 28, 2022. The open meeting had been initially scheduled for Thursday, July 21, 2022.[1]

Dated: April 4, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07531 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

[1] The start time of the meeting remains 10:00 a.m. Eastern Time.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–5–000]

Commission Information Collection Activities (FERC Form Nos. 60, 60A, FERC–61, and FERC–555A); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC Form Nos. 60 and 60A (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA). The Commission published a 60-day notice in the **Federal Register** on November 18, 2021, and received no comments on the 60-day notice.

DATES: Comments on the collection of information are due May 9, 2022.

ADDRESSES: Send written comments on FERC Form Nos. 60, 60A, FERC–61, and FERC–555A to the Office of Management and Budget (OMB) through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902–0215 ((FERC Form Nos. 60 (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA)), and/or 1902–0308 (FERC Form No. 60A, Annual Report of Centralized Service Companies—Modifications to FERC Form No. 60 due to Final Rule in Docket No. RM19–12–000) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC22–5–000 and the form) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
  - ○ *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - ○ *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Please reference the specific collection number(s) and/or title(s) in your comments.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at: *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for FERC Form Nos. 60 and 60A, FERC–61, and FERC–555A with no changes to the current reporting requirements.[1] This renewal incorporates the requirements and burden represented by the FERC Form No. 60A into FERC Form No. 60, respectively. Staff anticipates that the Commission will seek to retire the 6T and 6–QT as duplicative after OMB

[1] Due to expiration dates in 2019 for many of the Commission's financial forms, the renewal work for several of the forms was in process or pending at OMB during the 2019 Forms Refresh rulemaking effort in Docket No. RM19–12–000. OMB can only have one OMB Control No. pending review at a time. To submit the rulemaking timely to OMB, we assigned alternate ''temporary'' information collection numbers (FERC Form No. 60A) Accordingly, FERC Form No. 60A represents the additional burden associated with the final rule in RM19–12–000. *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 84 FR 30620 (June 27, 2019), 167 FERC ¶ 61,241 (2019).

decisions are made. Please note the three collections (60 including 60A, 61, and 555A) are distinct.[2]

FERC Form No. 60 (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA)

OMB Control Nos. and Titles: 1902–0215 ((FERC Form Nos. 60 (Annual Report of Centralized Service Companies), FERC–61 (Narrative Description of Service Company Functions), and FERC–555A (Preservation of Records Companies and Service Companies Subject to PUHCA)), and 1902–0308 (FERC Form No. 60A, Annual Report of Centralized Service Companies—Modifications to FERC Form No. 60 due to Final Rule in Docket No. RM19–12–000).

Abstract: In accordance with the Energy Policy Act of 2005 (EPAct 2005), the Commission implemented the repeal of the Public Utility Holding Company Act of 1935 (PUHCA 1935) and implemented the provisions of a newly enacted Public Utility Holding Company Act 2005 (PUHCA 2005). Pursuant to PUHCA 2005, the Commission requires centralized service companies to file FERC Form No. 60 or FERC–61, and comply with FERC–555A's requirements unless the company is exempted or granted a waiver pursuant to the Commission's regulations. The information collected in FERC Form No. 60 enables better monitoring for cross-subsidization, and aids the Commission in carrying out its statutory responsibilities. In addition, centralized service companies are required to follow the Commission's preservation of records requirements for centralized service companies.

FERC Form No. 60

FERC Form No. 60 is an annual reporting requirement for centralized service companies set forth in 18 CFR 366.23. The report's function is to collect financial information (including balance sheet, assets, liabilities, billing and charges for associated and non-associated companies) from centralized service companies subject to the Commission's jurisdiction. Unless the Commission exempts or grants a waiver pursuant to 18 CFR 366.3 and 366.4 to the holding company system, every centralized service company in a holding company system must prepare and file electronically with the Commission the FERC Form No. 60, pursuant to the General Instructions in the form.

FERC–61

FERC–61 is a filing requirement for service companies in holding company systems (including special purpose companies) that are currently exempt or granted a waiver of FERC's regulations and would not have to file FERC Form No. 60. Instead, those service companies are required to file, on an annual basis, a narrative description of the service company's functions during the prior calendar year (FERC–61). In complying, a holding company may make a single filing on behalf of all of its service company subsidiaries.

FERC–555A

The Commission's regulations prescribe a mandated preservation of records requirements for holding companies and service companies (unless otherwise exempted by FERC). This requires them to maintain and make available to FERC, their books and records. The preservation of records requirement provides for uniform records retention by holding companies and centralized service companies subject to PUHCA 2005.

Data from FERC Form No. 60, FERC–61, and FERC–555A provide a level of transparency that: (1) Helps protect ratepayers from pass-through of improper service company costs, (2) enables the Commission to review and determine cost allocations (among holding company members) for certain non-power goods and services, (3) aids the Commission in meeting its oversight and market monitoring obligations, and (4) benefits the public, both as ratepayers and investors. In addition, the Commission's audit staff uses these records during compliance audits, reviews and special analyses.

If data from FERC Form No. 60, FERC–61, and FERC–555A were not available, it would be difficult for the Commission to meet its statutory responsibilities under EPAct 1992, EPAct of 2005, and PUHCA 2005, and the Commission would have fewer of the regulatory mechanisms necessary to ensure transparency and protect ratepayers.

XBRL, Order No. 859, and FERC Form No. 60

Previously, FERC Form No. 60 filers would transmit the information in the form to the Commission using a software application called Visual FoxPro (VFP). This application is no longer supported by its developer, Microsoft Corporation. As a result, in April 2015, the Commission issued an order announcing its intention to replace the VFP filing format for certain Commission forms (including FERC Form No. 60) with an eXtensible Markup Language (XML)-based filing format. On June 20, 2019, the Commission issued Order No. 859, which adopted eXtensible Business Reporting Language (XBRL) as the standard for filing FERC Form No. 60 and certain other Commission forms.[3]

Type of Respondent: Centralized service companies.

Estimate of Annual Burden:[4] The Commission estimates the annual public reporting burden and cost (rounded in the tables) for the information collections as:[5]

[1] Due to expiration dates in 2019 for many of the Commission's financial forms, the renewal work for several of the forms was in process or pending at OMB during the 2019 Forms Refresh rulemaking effort in Docket No. RM19–12–000. OMB can only have one OMB Control No. pending review at a time. To submit the rulemaking timely to OMB, we assigned alternate ''temporary'' information collection numbers (FERC Form No. 60A) Accordingly, FERC Form No. 60A represents the additional burden associated with the final rule in RM19–12–000. *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 84 FR 30620 (June 27, 2019), 167 FERC ¶ 61,241 (2019).

[2] For purposes of this notice, unless otherwise stated, FERC Form Nos. 60 and 60A are collectively referred to as ''FERC Form No. 60.''

[3] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019).

[4] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3. The burden hours and costs are rounded for ease of presentation.

[5] The cost for the Form 60 and FERC–61 is based on FERC's 2021 Commission-wide average salary cost (salary plus benefits) of $87.00/hour (On FERC Form No. 61 the dollar figure was rounded up to $44 for the .5 hour of burden, which was carried through the calculations for total average annual burden costs). The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents. For the FERC–555A, the $35.83 hourly cost figure

FORM 60 (OMB CONTROL NO. 1902–0212) INCLUDING FORM 60A (OMB CONTROL NO. 1902–0308)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Form 60	42	1	42	75 $6,525	3,150 $274,050	$6,525
Form 60A	42	1	42	3 $261	126 $10,962	261
Total (includes both Form 60 and Form 60A)					3,276 $285,012	6,786

FERC–61 (OMB CONTROL NO. 1902–0215)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($, rounded)	Total average annual burden (hrs.) & total annual cost ($, rounded)	Cost per respondent ($, rounded)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
FERC–61	80	1	80	0.5 $44	40 $3,520	$44
Total					40 $3,520	44

FERC–555A (OMB CONTROL NO. 1902–0215)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
FERC–555A	122	1	122	1,080 $38,696	131,760 $4,720,912	$38,696
	0	0	0	0 $0	0 $0	0
Total					131,760 $4,720,912	38,696

FER–555A RECORD RETENTION

	Total number of responses	Cost per respondent	Total annual cost
	(1) * (2) = (3)	4	(3) * (4) = (5)
Paper Storage	122	$387.60	$47,287
Electronic Storage	122	15.25	2,861
Total Storage Burden		402.85	49,148

Total Annual Cost: $5,009,444 (Paperwork Burden) + $49,148 (Record Retention storage cost) = $5,058,592.

A more granular breakdown of the FERC–60/61/555A cost categories follows:

Labor Cost: The total estimated annual cost for labor burden to respondents is $5,009,444 [$285,012 (FERC Form No. 60) + $3,520 (FERC–61) + $4,720,912 (FERC–555A)].

FERC Form No. 60: 42 respondents × $6,786 per respondent = $285,012.

FERC–61: 80 respondents × $44 per respondent = $3,520.

FERC–555A: 122 respondents × $38,696 per respondent = $4,720,912.

Storage Cost:[6] In addition to the labor (burden cost provided above), there are additional costs that represent record retention and storage costs:

• Paper storage costs (using an estimate of 60 cubic feet × $6.46 per cubic foot): $387.60 per respondent annually. Total annual paper storage cost to industry ($387.60 × 122 respondents): $47,287. This estimate assumes that a respondent stores the same volume of paper as it did in the past and that the cost of such storage has not changed. We expect that this estimate should trend downward over time as more companies move away from paper storage and rely more heavily on electronic storage.

• Electronic storage costs: $15.25 per respondent annually. Total annual

[6] Internal analysis assumes 50% paper storage and 50% electronic storage.

electronic storage cost to industry ($15.25 × 122 respondents): $1,861. This calculation retains the previous estimate that storage of 1GB per year is $15.25. We expect that this estimate should trend downward over time as the cost of electronic storage technology, including cloud storage, continues to decrease. For example, external hard drives of approximately 500GB are available for approximately $50. In addition, cloud storage plans from multiple providers for 1TB of storage (with a reasonable amount of requests and data transfers) are available for less than $35 per month.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07401 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–1544–000]

Chesapeake Beach BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chesapeake Beach BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is April 25, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 4, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–07565 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1025–082]

Safe Harbor Water Power Corporation; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Fish Passage Requirements.

b. *Project No:* 1025–082.

c. *Date Filed:* March 18, 2022.

d. *Applicant:* Safe Harbor Water Power Corporation (licensee).

e. *Name of Project:* Safe Harbor Hydroelectric Project.

f. *Location:* The project is located on the Susquehanna River in Lancaster and York counties, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Adam Slowik, Compliance Specialist; Brookfield Renewable U.S.; 482 Old Holtwood Road; Holtwood, Pennsylvania 17532; Phone: (717) 284–6218.

i. *FERC Contact:* Alicia Burtner, (202) 502–8038, *Alicia.Burtner@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* April 24, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1025–082. Comments

emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests approval of a temporary variance of its requirements to operate its fish passage facilities from mid-April to mid-June 2022. The licensee would not operate the project fish lift during spring 2022 in order to prevent the spread of aquatic invasive species. In lieu of fish passage, migratory fish species would be captured and sorted at the downstream Conowingo Hydroelectric Project No. 405 and transported above Safe Harbor Dam. The licensee's application indicates that the proposed variance was requested by the Pennsylvania Department of Environmental Protection and U.S. Fish and Wildlife Service. It would not require the licensee to deviate from any other project requirement.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 4, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07533 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1881–074]

BIF III Holtwood, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Fish Passage Requirements.

b. *Project No:* 1881–074.

c. *Date Filed:* March 28, 2022.

d. *Applicant:* BIF III Holtwood, LLC (licensee).

e. *Name of Project:* Holtwood Hydroelectric Project.

f. *Location:* The project is located on the Susquehanna River in Lancaster and York counties, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Adam Slowik, Compliance Specialist; Brookfield Renewable U.S.; 482 Old Holtwood Road; Holtwood, Pennsylvania 17532; Phone: (717) 284–6218.

i. *FERC Contact:* Alicia Burtner, (202) 502–8038, *Alicia.Burtner@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* April 24, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1881–074. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests approval of a temporary variance of its requirements to operate its fish passage facilities from April 1 to June 30, 2022 and suspend the associated radio telemetry study in 2002. The licensee would not operate the project fish lift during spring 2022 in order to prevent the spread of aquatic invasive species. In lieu of fish passage, migratory fish species would be

captured and sorted at the downstream Conowingo Hydroelectric Project No. 405 and transported above Safe Harbor Dam. The licensee's application indicates that the proposed variance was requested by the Pennsylvania Department of Environmental Protection and U.S. Fish and Wildlife Service. It would not require the licensee to deviate from any other project requirement.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: April 4, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07532 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–3–000]

Commission Information Collection Activities (FERC Form Nos. 1, 1T, 1–F, 1–FT, 3–Q, and 3–QT); Comment Request; Extensions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC Form Nos. 1 and 1T (Annual Report of Major Electric Utilities, Licensees, and Others), 1–F and 1–FT (Annual Report for Nonmajor Public Utilities and Licensees), and 3–Q and 3–QT (Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies). The Commission published a 60-day notice in the **Federal Register** on November 18, 2021 and received one comment.

DATES: Comments on the collections of information are due May 9, 2022.

ADDRESSES: Send written comments on FERC Form Nos. 1 and 1T, 1–F and 1–FT, and 3–Q and 3–QT to the Office of Management and Budget (OMB) through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number: 1902–0021, 1902–0311, 1902–0029, 1902–0312, 1902–0205, and/or 1902–0028 in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC22–3–000 and the form(s)) to the Commission as noted below. Electronic filing through *http://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at *www.reginfo.gov/public/do/PRAMain.* Using the search function under the ''Currently Under Review field,'' select Federal Energy Regulatory Commission; click ''submit'' and select ''comment'' to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extensions of FERC Form Nos. 1, 1T, 1–F, 1–FT, 3–Q, and 3Q–T with no changes to the current reporting requirements.[1] [2] This renewal

[1] Due to expiration dates in 2019 for many of the Commission's financial forms, the renewal work for several of the forms was in process or pending at OMB during the 2019 Forms Refresh rulemaking effort in Docket No. RM19–12–000. OMB can only have one OMB Control No. pending review at a time. To submit the rulemaking timely to OMB, we assigned alternate ''temporary'' information collection numbers (FERC Form No. 1T, 1–FT, and 3–QT (electric and gas). Accordingly, FERC Form Nos. 1T, 1–FT, and 3–QT represent the additional burden associated with the final rule in RM19–12–000. *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 84 FR 30620 (June 27, 2019), 167 FERC ¶ 61,241 (2019).

[2] For purposes of this notice, unless otherwise stated, FERC Form Nos. 1 and 1T are collectively referred to as ''FERC Form No. 1,'' FERC Form Nos.

Continued

incorporates the requirements and burden represented by the 1 and 1T, 1–F and 1–FT, 3–Q and 3–QT (electric and gas), respectively. Staff anticipates that the Commission will seek to retire the 1T, 1–FT, and 3–QT as duplicative after OMB decisions are made.

FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees, and Others

OMB Control Nos. and Titles: 1902–0021 (FERC Form No. 1, Annual Report of Major Electric Utilities, Licensees, and Others) and 1902–0311 (FERC Form No. 1T, Annual Report of Major Electric Utilities, Licensees and Others—Modifications to Form 1 due to Final Rule in Docket No. RM19–12–000).

Abstract: FERC Form No. 1 is a comprehensive financial and operating report submitted annually by major electric utilities, licensees, and others. It is used by the Commission for electric rate regulation, market oversight analysis, and audit planning. Major is defined as having in each of the last three consecutive calendar years, sales or transmission services that exceed one of the following: (1) One million megawatt-hours of total sales; (2) 100 megawatt-hours of sales for resale; (3) 500 megawatt-hours of power exchanges delivered; or (4) 500 megawatt-hours of wheeling for others (deliveries plus losses).[3]

FERC Form No. 1 is designed to collect financial and operational information and is made available to the public. FERC Form No. 1 includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Income,
- Statement of Retained Earnings,
- Statement of Cash Flows,
- Statements of Accumulated Comprehensive Income,
- Comprehensive Income, and Hedging Activities, and
- Notes to Financial Statements.

Supporting schedules contain:

- Supplementary information and outlines of corporate structure and governance,
- Information on formula rates, and
- Description of important changes during the year.

Other schedules provide:

- Information on revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data, and
- Other statistical information.

XBRL, Order No. 859, and FERC Form No. 1

Previously, FERC Form No. 1 filers would transmit the information in the form to the Commission using a software application called Visual FoxPro (VFP). This application is no longer supported by its developer, Microsoft Corporation. As a result, in April 2015, the Commission issued an order announcing its intention to replace the VFP filing format for certain Commission forms (including FERC Form No. 1) with an eXtensible Markup Language (XML)-based filing format. On June 20, 2019, the Commission issued Order No. 859, which adopted eXtensible Business Reporting Language (XBRL) as the standard for filing FERC Form No. 1 and certain other Commission forms.[4]

Type of Respondent: Major electric utilities.

Estimate of Annual Burden:[5] The Commission estimates the annual burden and cost[6] for FERC Form No. 1 as follows:

FORM 1 (OMB CONTROL NO. 1902–0021) INCLUDING FORM 1–T (OMB CONTROL NO. 1902–0311)

Requirements	Number of respondents (1)	Average annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average annual burden (hrs.) & cost per response ($) (4)	Total average annual burden (hrs.) & total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Form 1	217	1	217	1,168 $101,616	253,456 $22,050,672	$101,616
Form 1–T	217	1	217	14 $1,218	3,038 $264,306	1,218
Total (includes both Form 1 and Form 1–T)					256,494 $22,314,978	102,834

FERC Form No. 1–F, Annual Report for Nonmajor Public Utilities and Licensees

OMB Control Nos. and Titles: 1902–0029 (FERC Form No. 1–F, Annual Report for Nonmajor Public Utilities and Licensees) and 1902–0312 (FERC Form No. 1–FT, Annual Report for Nonmajor Public Utilities and Licensees, Modifications to FERC Form No. 1–F due to Final Rule in Docket No. RM19–12–000).

Abstract: FERC Form No. 1–F is a financial and operating report submitted annually by Nonmajor electric utilities and licensees. The Commission uses it for electric rate regulation, market oversight analysis, and planning audits. Nonmajor is defined as utilities and licensees that are not classified as Major, and having total sales in each of the last three consecutive years of 10,000 megawatt-hours or more.[7]

FERC Form No. 1–F is designed to collect financial and operational information and is made available to the public. FERC Form No. 1–F includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Retained Earnings,
- Statement of Cash Flows,
- Statement of Comprehensive Income and Hedging Activities, and
- Notes to Financial Statements.

1–F and 1–FT are collectively referred to as ''FERC Form No. 1–F,'' and FERC Form Nos. 3–Q (electric and natural gas) and 3–QT (electric and natural gas) are collectively referred to as ''FERC Form No. 3–Q.''

[3] As detailed in 18 CFR part 101 (Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provision of the Federal Power Act, General Instructions) and 18 CFR 141.1.

[4] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019).

[5] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3. The burden hours and costs are rounded for ease of presentation.

[6] The cost is based on FERC's 2021 Commission-wide average salary cost (salary plus benefits) of $87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

[7] As detailed in 18 CFR part 101 (Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provision of the Federal Power Act, General Instructions) and 18 CFR 141.2.

Supporting schedules contain:

- Supplementary information and include revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data, and
- Other statistical information.

XBRL, Order No. 859, and FERC Form No. 1–F

Previously, FERC Form No. 1–F filers would transmit the information in the form to the Commission using a software application called VFP. This application is no longer supported by its developer, Microsoft Corporation. As a result, in April 2015, the Commission issued an order announcing its intention to replace the VFP filing format for certain Commission forms (including FERC Form No. 1–F) with an XML-based filing format. On June 20, 2019, the Commission issued Order No. 859, which adopted XBRL as the standard for filing FERC Form No. 1–F and other Commission forms.[8]

Type of Respondent: Nonmajor electric utilities.

Estimate of Annual Burden: The estimated annual burden and cost follow. (The estimated hourly cost used for FERC Form No. 1–F is $87.00/hour (for wages plus benefits) and is described above, under FERC Form No. 1.) The burden hours and costs are rounded for ease of presentation.

FORM 1–F (OMB CONTROL NO. 1902–0029) INCLUDING FORM 1–FT (OMB CONTROL NO. 1902–0312)

Requirements	Number of respondents (1)	Average annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average annual burden (hrs.) & cost per response ($) (4)	Total average annual burden (hrs.) & total annual cost ($) (3) * (4) = (5)	Cost per respondent ($) (5) ÷ (1)
Form 1–F	2	1	2	122 $10,614	244 $21,228	$10,614
Form 1–FT	2	1	2	14 $1,218	28 $2,436	1,218
Total (includes both Form 1–F and Form 1–FT)					272 $23,664	11,832

FERC Form No. 3–Q, Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies

OMB Control Nos. and Titles: 1902–0205 (FERC Form No. 3–Q, Quarterly Financial Report of Electric Utilities, Licensees, and Natural Gas Companies) and 1902–0313 (FERC Form No. 3–QT, Quarterly Financial Report-Electric and Gas, modifications to FERC Form No. 3–Q due to Final Rule in Docket No. RM19–12–000).

Abstract: FERC Form No. 3–Q is a quarterly financial and operating report for rate regulation, market oversight analysis, and financial audits which supplements (a) FERC Form Nos. 1 and 1–F, for the electric industry, or (b) FERC Form No. 2 (Annual Report for Major Natural Gas Companies; OMB Control No. 1902–0028) and FERC Form No. 2–A (Annual Report for Nonmajor Natural Gas Companies; OMB Control No. 1902–0030), for the natural gas industry. FERC Form No. 3–Q is submitted for all Major and Nonmajor electric utilities, licensees, and natural gas companies.[9] FERC Form No. 3–Q includes a basic set of financial statements:

- Comparative Balance Sheet,
- Statement of Income and Statement of Retained Earnings,
- Statement of Cash Flows,
- Statement of Comprehensive Income and Hedging Activities, and
- Supporting schedules containing supplementary information.

Electric respondents report:

- Revenues and the related quantities of electric sales and electricity transmitted,
- Account balances for all electric operation and maintenance expenses,
- Selected plant cost data, and
- Other statistical information.

Natural gas respondents report:

- Monthly and quarterly quantities of gas transported and associated revenues,
- Storage, terminalling, and processing services,
- Natural gas customer accounts and details of service, and
- Operational expenses, depreciation, depletion, and amortization of gas plant.

XBRL, Order No. 859, and FERC Form No. 3–Q

Previously, FERC Form No. 3–Q filers would transmit the information in the form to the Commission using a software application called VFP. This application is no longer supported by its developer, Microsoft Corporation. As a result, in April 2015, the Commission issued an order announcing its intention to replace the VFP filing format for certain Commission forms (including FERC Form No. 3–Q) with an XML-based filing format. On June 20, 2019, the Commission issued Order No. 859, which adopted XBRL as the standard for filing these Commission forms.[10]

Type of Respondent: Major and nonmajor electric utilities, licensees, and major and non-major natural gas companies.

Estimate of Annual Burden: The estimated annual burden and cost (as rounded) follow. (The estimated hourly cost used for FERC Form No. 3–Q is $87.00/hour (for wages plus benefits) and is described above, under FERC Form No. 1.) The burden hours and costs are rounded for ease of presentation. The quarterly filings are generally a subset of the annual filings. For this reason, the XBRL burden (''3–QT'') hours are ''0'' because the burden associated with the 3–QT is already incorporated into other burden numbers for FERC Form No. 1 and FERC Form No. 2.

[8] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019)

[9] 18 CFR 260.1(b) states that for natural gas companies as defined by the Natural Gas Act, Major pertains to a company whose combined gas transported or stored for a fee exceed 50 million Dth in each of the three previous calendar years. 18 CFR 260.2(b) states that for natural gas companies as defined by the Natural Gas Act, Non-Major pertains to a company not meeting the filing threshold for FERC Form No. 2, but having total gas sales or volume transactions exceeding 200,000 Dth in each of the three previous calendar years.

[10] *Revisions to the Filing Process for Comm'n Forms,* Order No. 859, 167 FERC ¶ 61,241 (2019).

FORM 3–Q (ELECTRIC) (OMB CONTROL NO. 1902–0205) INCLUDING FORM 3–QT (OMB CONTROL NO. 1902–0313)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Form 3–Q (Electric)	221	3	663	168 $14,616	111,384 $9,690,408	$43,848
Form 3–QT (Electric)	221	3	663	0 $0	0	
Total (includes both Form 3–Q (Electric) and 3–AT (Electric))					111,384 $9,690,408	43,848

FORM 3–Q (GAS) (OMB CONTROL NO. 1902–0205) INCLUDING FORM 3–QT (OMB CONTROL NO. 1902–0313)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden (hrs.) & cost per response ($)	Total average annual burden (hrs.) & total annual cost ($)	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Form 3–Q (Gas)	147	3	441	167 $14,529	73,647 $6,407,289	$43,587
Form 3–QT (Gas)	147	3	441	0 $0	0 $0	0
Total (includes both Form 3–Q (Gas) and 3–AT (Gas))					73,647 $6,407,289	43,587

For the FERC Form 3–Q (electric and natural gas), the total average annual burden hours is 185,031, and the total annual cost is $16,097,697.

60-Day Notice Comments

Comments: The Commission published a 60-day notice on November 18, 2021, in the **Federal Register** (86 FR 67042) and received one comment from the government agency, Bureau of Economic Analysis (BEA).

BEA Comment: BEA comments that it is interested in any modifications that are made to the FERC Form Nos. 1 and 1–F. BEA explains that it uses data from FERC Form Nos. 1 and 1–F indirectly in estimating the U.S. Census Bureau's Construction Value Put in Place (VPIP) for electric utilities. BEA further explains that census VPIP serves a major source data input to the national income and product account (NIPA) structures investment estimates. BEA states that while it uses the information indirectly through the VPIP program, it is considered an indispensable data source to the NIPA estimates.

FERC Response: The Commission finds BEA's comments regarding the usefulness of the FERC Form Nos. 1 and 1–F to be helpful. With respect to BEA's concern about modifications to the forms, the Commission generally does not make any changes to the data collected in the financial forms without first offering a public process by which interested parties, like BEA, may comment on any proposals to change the collection.

30-Day Notice Comments

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: April 1, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–07398 Filed 4–7–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9714–01–OA]

Request for Nominations for the Science Advisory Board IRIS Chloroform (Inhalation) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts to form a Panel to review the draft EPA Integrated Risk Information System (IRIS) Toxicological Review of Chloroform (Inhalation). The draft cancer and non-cancer assessment includes a hazard identification analysis, which summarizes the available evidence on health effects that may be associated with environmental or occupational exposure, and dose-response analysis, which characterizes the quantitative relationship between chloroform inhalation exposure and each credible health hazard. The SAB Chloroform Review Panel will consider whether the conclusions found in the EPA's draft assessment are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the assessment may be strengthened.

DATES: Nominations should be submitted by April 29, 2022 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Suhair Shallal, Designated Federal Officer (DFO), EPA Science Advisory Board via telephone/voice mail (202) 564–2057, or email at *shallal.suhair@epa.gov.* General information concerning the EPA SAB can be found at the EPA SAB website at *https://sab.epa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The SAB (42 U.S.C. 4365) is a chartered Federal Advisory Committee that provides independent scientific and technical peer review, advice, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2) and related regulations. The SAB Staff Office is forming an expert panel, the SAB Chloroform Review Panel, under the auspices of the Chartered SAB. The SAB Chloroform Review Panel will provide advice through the chartered SAB. The SAB and the SAB Chloroform Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB Chloroform Review Panel will conduct a review of the draft EPA IRIS Toxicological Review of Chloroform (Inhalation). The draft cancer and non-cancer assessment includes a hazard identification analysis, which summarizes the chemical properties, pharmacokinetics, and health effects associated with environmental or occupational exposure, and dose-response analysis, which characterizes the quantitative relationship between chemical exposure and each credible health hazard. The SAB Chloroform Review Panel will consider whether the conclusions found in the EPA's draft assessment are clearly presented and scientifically supported. The Panel will also be asked to provide recommendations on how the assessment may be strengthened.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise in the following disciplines: *Toxicology, specifically inhalation toxicology/dosimetry, hepatic and nephrological toxicology; epidemiology; systematic review; physiologically-based pharmacokinetic (PBPK) modeling; carcinogenesis; risk assessment; dose response analysis.*

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on the SAB Panel. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form on the SAB website at *https://sab.epa.gov* (see the ''Public Input on Membership'' list under ''Committees, Panels, and Membership''). To be considered, nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of sex, race, disability, or ethnicity. Nominations should be submitted in time to arrive no later than April 29, 2022.

The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee. Nominees will be contacted by the SAB Staff Office and will be asked to provide a recent curriculum vitae and a narrative biographical summary that includes: Current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB website, should contact the DFO at the contact information noted above. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates for the Panel on the SAB website at *https://sab.epa.gov.* Public comments on the List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming the expert panel, the SAB Staff Office will consider public comments on the Lists of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a loss of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and scientific points of view.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees'' (EPA Form 3110–48). This confidential form is required and allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which include membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a loss of impartiality, as defined by federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB website at *https://sab.epa.gov.* This form should not be submitted as part of a nomination.

The approved policy under which the EPA SAB Office selects members for subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB website at *https://sab.epa.gov.*

Thomas Brennan,

Director, Science Advisory Board Staff Office.

[FR Doc. 2022–07535 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2022–0065, EPA–HQ–OAR–2022–-0049, etc.; FRL–9695–01–OAR]

Proposed Information Collection Request; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency is planning to submit the below listed information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. These are proposed extensions of the currently approved ICRs. 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: Comments must be submitted on or before June 7, 2022.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *https://www.regulations.gov/* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

The EPA's policy is that all relevant 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. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Mr. Muntasir Ali, Sector Policies and Programs Division, (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *Ali.Muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov/* or in person at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. Burden is defined at 5 CFR 1320.03(b). The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

General Abstract: For all the listed ICRs in this document, owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A, 40 CFR part 61, subpart A, or Part 63, Subpart A, as well as the applicable specific standards. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by the EPA to determine compliance with the standards.

(1) *Docket ID Number:* EPA–HQ–OAR–2022–0065; NESHAP for Inorganic Arsenic Emissions from Primary Copper Smelters (40 CFR part 61, subpart O) (Renewal); EPA ICR Number 1089.07; OMB Control Number 2060–0044; Expiration date October 31, 2022.

Respondents: Primary copper smelters.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart O).

Estimated number of respondents: 3.

Frequency of response: Annually, quarterly.

Estimated annual burden: 2,380 hours.

Estimated annual cost: $263,000, includes $1,500 annualized capital or operations & maintenance (O&M) costs.

Changes in estimates: There is a projected decrease in burden due to a decrease in the number of sources subject to the regulation.

(2) *Docket ID Number:* EPA–HQ–OAR–2022–0049; NSPS for Pressure Sensitive Tape and Label Surface Coating (40 CFR part 60, subpart RR) (Renewal); EPA ICR Number 0658.14; OMB Control Number 2060–0004; Expiration date November 30, 2022.

Respondents: Facilities with coating lines used in the manufacture of pressure sensitive tape and label materials.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart RR).

Estimated number of respondents: 45.

Frequency of response: Initially, semiannually.

Estimated annual burden: 4,250 hours.

Estimated annual cost: $572,000, includes $88,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(3) *Docket ID Number:* EPA–HQ–OAR–2022–0056; NSPS for Fossil-Fuel-Fired Steam Generating Units (40 CFR part 60, subpart D) (Renewal); EPA ICR Number 1052.13; OMB Control Number 2060–0026; Expiration date November 30, 2022.

Respondents: Fossil fuel fired steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart D).

Estimated number of respondents: 660.

Frequency of response: Semiannually.

Estimated annual burden: 71,500 hours.

Estimated annual cost: $18,100,000, includes $9,900,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(4) *Docket ID Number:* EPA–HQ–OAR–2022–0056; NSPS for Steel Plants:

Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels (40 CFR part 60, subparts AA and AAa) (Renewal); EPA ICR Number 1060.19; OMB Control Number 2060–0038; Expiration date November 30, 2022.

Respondents: Steel plants that produce carbon, alloy, or specialty steels.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts AA and AAa).

Estimated number of respondents: 100.

Frequency of response: Initially, semiannually.

Estimated annual burden: 62,700 hours.

Estimated annual cost: $7,350,000, includes $207,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(5) *Docket ID Number:* EPA–HQ–OAR–2022–0059; NSPS for Ammonium Sulfate Manufacturing Plants (40 CFR part 60, subpart PP) (Renewal); EPA ICR Number 1066.10; OMB Control Number 2060–0032; Expiration date November 30, 2022.

Respondents: Ammonium sulfate manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PP).

Estimated number of respondents: 2.

Frequency of response: Semiannually.

Estimated annual burden: 286 hours.

Estimated annual cost: $32,600, includes no annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(6) *Docket ID Number:* EPA–HQ–OAR–2022–0061; NSPS for Lead-Acid Battery Manufacturing (40 CFR part 60, subpart KK) (Renewal); EPA ICR Number 1072.13; OMB Control Number 2060–0081; Expiration date November 30, 2022.

Respondents: Lead-acid battery manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KK).

Estimated number of respondents: 52.

Frequency of response: Initially, semiannually.

Estimated annual burden: 4,050 hours.

Estimated annual cost: $473,000, includes $11,700 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(7) *Docket ID Number:* EPA–HQ–OAR–2022–0063; NSPS for Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Db) (Renewal); EPA ICR Number 1088.16; OMB Control Number 2060–0072; Expiration date November 30, 2022.

Respondents: Industrial/commercial/institutional steam generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Db).

Estimated number of respondents: 1,920.

Frequency of response: Semiannually, quarterly.

Estimated annual burden: 1,790,000 hours.

Estimated annual cost: $243,000,000, includes $36,200,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(8) *Docket ID Number:* EPA–HQ–OAR–2022–0066; NSPS for Grain Elevators (40 CFR part 60, subpart DD) (Renewal); EPA ICR Number 1130.13; OMB Control Number 2060–0082; Expiration date November 30, 2022.

Respondents: Grain elevators operating truck or railcar loading and unloading stations, grain dryers, or grain handling facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DD).

Estimated number of respondents: 200.

Frequency of response: Initially, annually.

Estimated annual burden: 460 hours.

Estimated annual cost: $52,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(9) *Docket ID Number:* EPA–HQ–OAR–2022–0070; NSPS for Flexible Vinyl and Urethane Coating and Printing (40 CFR part 60, subpart FFF) (Renewal); EPA ICR Number 1157.13; OMB Control Number 2060–0073; Expiration date November 30, 2022.

Respondents: Flexible vinyl and urethane coating and printing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFF).

Estimated number of respondents: 41.

Frequency of response: Initially, semiannually.

Estimated annual burden: 1,310 hours.

Estimated annual cost: $525,000, includes $376,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(10) *Docket ID Number:* EPA–HQ–OAR–2022–0072; NSPS/NESHAP for Wool Fiberglass Insulation Manufacturing Plants (40 CFR part 60, subpart PPP and 40 CFR part 63, subpart NNN) (Renewal); EPA ICR Number 1160.15; OMB Control Number 2060–0114; Expiration date November 30, 2022.

Respondents: Wool fiberglass insulation manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart PPP and 40 CFR part 63, subpart NNN).

Estimated number of respondents: 42.

Frequency of response: Semiannually.

Estimated annual burden: 8,450 hours.

Estimated annual cost: $1,590,000, includes $622,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(11) *Docket ID Number:* EPA–HQ–OAR–2022–0018; Emission Guidelines for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 (40 CFR part 60, subpart Cb) (Renewal); EPA ICR Number 1847.09; OMB Control Number 2060–0390; Expiration date November 30, 2022.

Respondents: Municipal solid waste combustion facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart Cb).

Estimated number of respondents: 77.

Frequency of response: Semiannually.

Estimated annual burden: 394,000 hours.

Estimated annual cost: $63,700,000, includes $1,530,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(12) *Docket ID Number:* EPA–HQ–OAR–2022–0021; NESHAP for Secondary Aluminum Production (40 CFR part 63, subpart RRR) (Renewal); EPA ICR Number 1894.10; OMB Control Number 2060–0433; Expiration date November 30, 2022.

Respondents: Secondary aluminum production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart RRR).

Estimated number of respondents: 161.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 12,400 hours.

Estimated annual cost: $5,520,000, includes $4,110,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(13) *Docket ID Number:* EPA–HQ–OAR–2022–0023; NSPS for Small Municipal Waste Combustors (40 CFR part 60, subpart AAAA) (Renewal); EPA ICR Number 1900.08; OMB Control Number 2060–0423; Expiration date November 30, 2022.

Respondents: Municipal solid waste combustion facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart AAAA).

Estimated number of respondents: 6.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 17,700 hours.

Estimated annual cost: $2,010,000, includes $207,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(14) *Docket ID Number:* EPA–HQ–OAR–2022–0025; Emission Guidelines for Existing Commercial and Industrial Solid Waste Incineration Units (40 CFR part 60, subpart DDDD) (Renewal); EPA ICR Number 1927.09; OMB Control Number 2060–0451; Expiration date November 30, 2022.

Respondents: Commercial and industrial solid waste incinerators.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart DDDD).

Estimated number of respondents: 74.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 16,100 hours.

Estimated annual cost: $3,000,000, includes $1,130,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(15) *Docket ID Number:* EPA–HQ–OAR–2022–0028; NESHAP for Miscellaneous Organic Chemical Manufacturing (40 CFR part 63, subpart FFFF) (Renewal); EPA ICR Number 1969.10; OMB Control Number 2060–0533; Expiration date November 30, 2022.

Respondents: Miscellaneous organic chemical manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFF).

Estimated number of respondents: 201.

Frequency of response: Initially, semiannually.

Estimated annual burden: 327,000 hours.

Estimated annual cost: $41,600,000, includes $4,310,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to implementation of final rule requirements.

(16) *Docket ID Number:* EPA–HQ–OAR–2022–0031; NESHAP for the Wood Products Surface Coating Industry (40 CFR part 63, subpart QQQQ) (Renewal); EPA ICR Number 2034.10; OMB Control Number 2060–0510; Expiration date November 30, 2022.

Respondents: Facilities that perform surface coating of wood building products.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart QQQQ).

Estimated number of respondents: 57.

Frequency of response: Initially, semiannually.

Estimated annual burden: 20,200 hours.

Estimated annual cost: $1,490,000, includes $22,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(17) *Docket ID Number:* EPA–HQ–OAR–2022–0037; NSPS for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK) (Renewal); EPA ICR Number 2177.08; OMB Control Number 2060–0582; Expiration date November 30, 2022.

Respondents: Stationary combustion turbine facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart KKKK).

Estimated number of respondents: 730.

Frequency of response: Initially, semiannually.

Estimated annual burden: 76,100 hours.

Estimated annual cost: $8,670,000, includes no annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(18) *Docket ID Number:* EPA–HQ–OAR–2022–0039; NESHAP for Area Sources: Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals-Zinc, Cadmium, and Beryllium (40 CFR part 63, subparts EEEEEE, FFFFFF, and GGGGGG) (Renewal); EPA ICR Number 2240.07; OMB Control Number 2060–0596; Expiration date November 30, 2022.

Respondents: Primary copper smelters, secondary copper smelters, and primary zinc, cadmium, and beryllium production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts EEEEEE, FFFFFF, and GGGGGG).

Estimated number of respondents: 5.

Frequency of response: Initially, annually.

Estimated annual burden: 74 hours.

Estimated annual cost: $8,380, includes no annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(19) *Docket ID Number:* EPA–HQ–OAR–2022–0042; NESHAP for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (40 CFR part 63, subpart AAAAAAA) (Renewal); EPA ICR Number 2352.06; OMB Control Number 2060–0634; Expiration date November 30, 2022.

Respondents: Asphalt processing and asphalt roofing manufacturers.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart AAAAAAA).

Estimated number of respondents: 35

Frequency of response: Semiannually.

Estimated annual burden: 1,410 hours.

Estimated annual cost: $161,000, includes $525 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(20) *Docket ID Number:* EPA–HQ–OAR–2022–0046; NESHAP for Group I Polymers and Resins (40 CFR part 63, subpart U) (Renewal); EPA ICR Number 2410.05; OMB Control Number 2060–0665; Expiration date November 30, 2022.

Respondents: Elastomer product process units and associated equipment.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart U).

Estimated number of respondents: 19.

Frequency of response: Initially, semiannually, quarterly.

Estimated annual burden: 56,400 hours.

Estimated annual cost: $11,200,000, includes $5,230,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(21) *Docket ID Number:* EPA–HQ–OAR–2022–0047; NSPS for Greenhouse

Gas Emissions for New Electric Utility Generating Units (40 CFR part 60, subpart TTTT) (Renewal); EPA ICR Number 2465.05; OMB Control Number 2060–0685; Expiration date November 30, 2022.

Respondents: Electric utility generating units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTTT).

Estimated number of respondents: 32

Frequency of response: Initially, quarterly.

Estimated annual burden: 883 hours.

Estimated annual cost: $ 101,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(22) *Docket ID Number:* EPA–HQ–OAR–2022–0041; NESHAP for Paints and Allied Products Manufacturing Area Source Category (40 CFR part 63, subpart CCCCCCC) (Renewal); EPA ICR Number 2348.06; OMB Control Number 2060–0633; Expiration date December 31, 2022.

Respondents: Paint and allied products manufacturing facilities

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart CCCCCCC).

Estimated number of respondents: 219.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 500 hours.

Estimated annual cost: $131,000, includes no annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(23) *Docket ID Number:* EPA–HQ–OAR–2022–0044; NESHAP for Chemical Preparations Industry (40 CFR part 63, subpart BBBBBBB) (Renewal); EPA ICR Number 2356.06; OMB Control Number 2060–0636; Expiration date December 31, 2022.

Respondents: Chemical preparation facilities that conduct the mixing, milling, blending, or extruding of industrial chemicals.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart BBBBBBB).

Estimated number of respondents: 26.

Frequency of response: Initially, semiannually.

Estimated annual burden: 2,210 hours.

Estimated annual cost: $252,000, includes $390 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(24) *Docket ID Number:* EPA–HQ–OAR–2022–0067; NSPS for Magnetic Tape Coating Facilities (40 CFR part 60, subpart SSS) (Renewal); EPA ICR Number 1135.14; OMB Control Number 2060–0171; Expiration date January 31, 2023.

Respondents: Magnetic tape coating facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart SSS).

Estimated number of respondents: 6.

Frequency of response: Initially, semiannually, quarterly.

Estimated annual burden: 2,030 hours.

Estimated annual cost: $321,000, includes $86,400 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(25) *Docket ID Number:* EPA–HQ–OAR–2022–0073; NESHAP for Perchloroethylene Dry Cleaning Facilities (40 CFR part 63, subpart M) (Renewal); EPA ICR Number 1415.13; OMB Control Number 2060–0234; Expiration date January 31, 2023.

Respondents: Dry cleaning facilities that use perchloroethylene (PCE).

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart M).

Estimated number of respondents: 28,020.

Frequency of response: Initially.

Estimated annual burden: 1,590,000 hours.

Estimated annual cost: $189,000,000, includes $948,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(26) *Docket ID Number:* EPA–HQ–OAR–2022–0074; NSPS for Secondary Brass and Bronze Production, Primary Copper Smelters, Primary Zinc Smelters, Primary Lead Smelters, Primary Aluminum Reduction Plants, and Ferroalloy Production Facilities (40 CFR part 60, subparts M, P, Q, R, S, Z) (Renewal); EPA ICR Number 1604.13; OMB Control Number 2060–0110; Expiration date January 31, 2023.

Respondents: Secondary brass and bronze production facilities, primary copper smelters, primary zinc smelters, primary lead smelters, primary aluminum reduction plants, and ferroalloy production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subparts M, P, Q, R, S, Z).

Estimated number of respondents: 18.

Frequency of response: Semiannually, annually, monthly.

Estimated annual burden: 3,880 hours.

Estimated annual cost: $449,000, includes $127,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(27) *Docket ID Number:* EPA–HQ–OAR–2022–0076; NESHAP for Halogenated Solvent Cleaners/Halogenated Hazardous Air Pollutants (40 CFR part 63, subpart T) (Renewal); EPA ICR Number 1652.11; OMB Control Number 2060–0273; Expiration date January 31, 2023.

Respondents: Halogenated solvent cleaners.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart T).

Estimated number of respondents: 931.

Frequency of response: Annually, semiannually, quarterly.

Estimated annual burden: 31,300 hours.

Estimated annual cost: $4,230,000, includes $660,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(28) *Docket ID Number:* EPA–HQ–OAR–2022–0078; NESHAP for Gasoline Distribution Facilities (40 CFR part 63, subpart R) (Renewal); EPA ICR Number 1659.11; OMB Control Number 2060–0325; Expiration date January 31, 2023.

Respondents: Gasoline distribution facilities including bulk gasoline terminals and pipeline breakout stations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart R).

Estimated number of respondents: 1,662.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 15,900 hours.

Estimated annual cost: $2,160,000, includes $305,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(29) Docket ID Number: EPA–HQ–OAR–2022–0079; NESHAP for Commercial Ethylene Oxide Sterilization and Fumigation Operations (40 CFR part 63, subpart O) (Renewal); EPA ICR Number 1666.12; OMB Control Number 2060–0283; Expiration date January 31, 2023.

Respondents: Commercial ethylene oxide sterilization and fumigation facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart O).

Estimated number of respondents: 128.

Frequency of response: Initially, annually, semiannually.

Estimated annual burden: 9,480 hours.

Estimated annual cost: $1,800,000, includes $698,000 annualized capital or O&M costs.

Changes in estimates: There is a projected increase in burden due to an increase in the number of sources subject to the regulation.

(30) Docket ID Number: EPA–HQ–OAR–2022–0079; NESHAP for Magnetic Tape Manufacturing Operations (40 CFR part 63, subpart EE) (Renewal); EPA ICR Number 1678.11; OMB Control Number 2060–0326; Expiration date January 31, 2023.

Respondents: Magnetic tape manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart EE).

Estimated number of respondents: 4.

Frequency of response: Initially, semiannually, quarterly.

Estimated annual burden: 2,710 hours.

Estimated annual cost: $344,000, includes $35,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(31) Docket ID Number: EPA–HQ–OAR–2022–0081; NESHAP for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD) (Renewal); EPA ICR Number 1717.13; OMB Control Number 2060–0313; Expiration date January 31, 2023.

Respondents: Off-site waste and recovery facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DD).

Estimated number of respondents: 50.

Frequency of response: Initially, semiannually.

Estimated annual burden: 47,800 hours.

Estimated annual cost: $6,420,000, includes $892,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

(32) Docket ID Number: EPA–HQ–OAR–2022–0086; NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR part 63, subparts AA and BB) (Renewal); EPA ICR Number 1790.10; OMB Control Number 2060–0361; Expiration date January 31, 2023.

Respondents: Phosphoric acid manufacturing facilities and phosphate fertilizer production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subparts AA and BB).

*Estimated number of respondents:*13.

Frequency of response: Initially, annually, semiannually, quarterly.

Estimated annual burden: 2,200 hours.

Estimated annual cost: $441,000, includes $186,000 annualized capital or O&M costs.

Changes in estimates: There is no projected change in burden from the previous ICR.

Penny Lassiter,

Director, Sector Policies and Programs Division.

[FR Doc. 2022–07534 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–011]

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 28, 2022 10 a.m. EST Through April 4, 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. 20220043, Draft, USACE, TX, Harris Reservoir Expansion Project Draft Environmental Impact Statement Prepared for Permit Application No. SWG–2016–01027, Comment Period Ends: 05/23/2022, Contact: Jayson Hudson 409–766–3108.

EIS No. 20220044, Draft, FERC, LA, Commonwealth LNG Project, Comment Period Ends: 05/23/2022, Contact: Office of External Affairs 866–208–3372.

EIS No. 20220045, Final, RUS, OK, Skeleton Creek Solar and Battery Storage Project, Review Period Ends: 05/09/2022, Contact: Kristen Bastis 202–692–4910.

EIS No. 20220046, Draft, USA, HI, Army Training Land Retention at Pōhakuloa Training Area, Comment Period Ends: 06/07/2022, Contact: Mr. Michael Donnelly 808–656–3160.

EIS No. 20220047, Final Supplement, NHTSA, REG, Corporate Average Fuel Economy Standards for Model Years 2024–2026, Contact: Vinay Nagabhushana 202–366–1452. Under 49 U.S.C. 304a(b), NHTSA has concurrently issued a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20220048, Final, DOE, NAT, Proposed Energy Conservation Standards for Manufactured Housing, Review Period Ends: 05/09/2022, Contact: Kristin Kerwin 240–562–1800.

Amended Notice

EIS No. 20220034, Draft Supplement, USACE, LA, WITHDRAWN—West Shore Lake Pontchartrain Hurricane and Storm Damage Risk Reduction Study, Contact: Landon Parr 504–862–1908. Revision to FR Notice Published 03/18/2022; Officially Withdrawn per request of the submitting agency.

Dated: April 4, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–07537 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0123; FRL–9730–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Chemical Manufacturing Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Chemical Manufacturing Area Sources (EPA ICR Number 2323.08, OMB Control Number 2060–0621), 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. Public comments were previously requested, via the **Federal Register**, on April 13, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below,

including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 9, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0123, 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: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chemical Manufacturing Area Sources were proposed on October 6, 2008; promulgated on October 29, 2009; and amended on December 21, 2012. There are nine area source categories in the chemical manufacturing sector: Agricultural Chemicals and Pesticides Manufacturing, Cyclic Crude and Intermediate Production, Industrial Inorganic Chemical Manufacturing, Industrial Organic Chemical Manufacturing, Inorganic Pigments Manufacturing, Miscellaneous Organic Chemical Manufacturing, Plastic Materials and Resins Manufacturing, Pharmaceutical Production, and Synthetic Rubber Manufacturing. These regulations apply process vents, storage tanks, equipment leaks, wastewater systems, transfer operations, and heat exchange systems at affected sources in each area source category and are combined in one subpart. New facilities include those that either commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart VVVVVV.

Form Numbers: None.

Respondents/affected entities: Private-sector area sources involved in the chemical manufacturing of agricultural chemicals and pesticides, cyclic crude and intermediates, industrial inorganic chemicals, industrial organic chemicals, inorganic pigments, miscellaneous organic chemicals, plastic materials and resins, pharmaceutical production, and synthetic rubber.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart VVVVVV).

Estimated number of respondents: 548 (total).

Frequency of response: Semiannually.

Total estimated burden: 10,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,830,000 (per year), which includes $1,590,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an increase in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. The adjustment increase in burden from the most-recently approved ICR is not due to any program changes, but is due to an increase in the number of new sources. This ICR reflects an additional 10 respondents per year, assuming continued industry growth. The increase in the number of respondents also results in an increase in the operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–07458 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2022–0343; FRL–9709–01–OGC]

Proposed Consent Decree, Unreasonable Delay Claim Regarding Toxics Release Inventory Listing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Environmental Protection Agency (EPA) Administrator's March 18, 2022, Memorandum entitled Consent Decrees and Settlement Agreements to Resolve Environmental Claims Against the Agency, notice is hereby given of a proposed consent decree that resolves *Breast Cancer Prevention Partners, et al.* v. *U.S. Environmental Protection Agency, et al.,* a case in the United States District Court for the Northern District of California (4:21–cv–07360–HSG) that alleges EPA unreasonably delayed taking final action on its proposed rulemaking to list diisononyl phthalate (DINP) on the Toxics Release Inventory (TRI) pursuant to the Emergency Planning and Community Right-to-Know-Act (EPCRA).

DATES: Written comments on the proposed consent decree must be received by May 9, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0343 online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is open to visitors by appointment only. Our Docket Center staff continues to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov,* as there may be a delay in processing mail and faxes. Hand-deliveries and couriers may be received by scheduled appointment only. For further information on EPA

Docket Center services and the latest status information, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Benjamin Wakefield, Pesticides and Toxic Substances Law Office MC–2333A, Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone (202) 564–3186; email address *wakefield.benjamin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2022–0343) contains a copy of the proposed consent decree.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

Prior to this lawsuit being filed, EPA received a petition in February 2000 to add a plastic additive called diisononyl phthalate (DINP) to the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 toxic chemical list (*i.e.,* the Toxics Release Inventory (TRI)). EPA issued a proposed regulation to list DINP on the TRI on September 5, 2000. EPA published a Notice of Data Availability (NODA) with a revised hazard assessment for DINP in the **Federal Register** on June 14, 2005 (70 FR 34437) and invited public comment on the revised assessment.

Plaintiffs filed a Complaint on September 22, 2021, alleging that EPA's failure to conclude the rulemaking it initiated in 2000 constitutes an unreasonable delay under Section 706(1) of the Administrative Procedure Act, 5 U.S.C. 706(1).

This proposed consent decree states that no later than January 31, 2023, EPA shall either sign a final rule that lists DINP on the TRI or sign a notice for publication in the **Federal Register** to withdraw the proposed rulemaking to list DINP on the TRI. The proposed consent decree further states that if the Office of Management and Budget (OMB) determines that a rule to list DINP warrants review under Executive Order 12866 at the supplemental proposal and/or final rule stage, the deadline shall be extended by 90 days for each stage of review that OMB initiates, for a total extension of 180 days if OMB initiates review at both the supplemental proposal and the final rule stages. Court approval of this proposed consent decree would resolve all claims in this case except for any claim for the costs of litigation, including attorneys' fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the APA or EPCRA. Unless EPA or the Department of Justice determines that consent should be withdrawn, the terms of the proposed consent decree will be affirmed.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0343 via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Christopher E. Kaczmarek,

Acting Associate General Counsel.

[FR Doc. 2022–07595 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0119; FRL–9679–01–OAR]

Proposed Information Collection Request; Comment Request; Motor Vehicle and Engine Compliance Program Fees (Renewal), EPA ICR 2080.08, OMB Control No. 2060–0545

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Motor Vehicle and Engine Compliance Program Fees (Renewal)'' (EPA ICR No.

2080.08, OMB Control No. 2060–0545) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through December 31, 2022. 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: Comments must be submitted on or before June 7, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2013–0119, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Lynn Sohacki, Compliance Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Dr., Ann Arbor, MI 48105; telephone number: 734–214–4851, fax number: 734–214–4869; email address: *sohacki.lynn@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.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: As required by the Clean Air Act, EPA has regulations establishing emission standards and other requirements for various classes of vehicles, engines, and evaporative emission components. These regulations require a manufacturer to demonstrate compliance prior to EPA granting it a ''Certificate of Conformity''. EPA charges fees for administering this certification program. In 2004 and subsequently in 2008 the fees program was expanded to include nonroad categories of vehicles and engines, such as several categories of marine engines, locomotives, non-road recreational vehicles, many nonroad compression-ignition and spark-ignition engines and evaporative emission components. Manufacturers and importers of covered vehicles, engines and components are required to pay the applicable certification fees prior to their certification applications being reviewed by the Agency. Under section 208 of the Clean Air Act (42 U.S.C. 7542(c)) all information, other than trade secret processes or methods, must be publicly available. Information about fee payments is treated as confidential information prior to certification.

Form Numbers: 3520–29.

Respondents/affected entities: Manufacturers or importers of passenger cars, motorcycles, light trucks, heavy-duty truck engines, nonroad vehicles or engines, and evaporative emission components are required to receive a certificate of conformity from EPA prior to selling or introducing these products into commerce in the U.S.

Respondent's obligation to respond: Required to obtain or retain a benefit (40 CFR part 1027).

Estimated number of respondents: 579 (total).

Frequency of response: An average of approximately nine responses per respondent per year.

Total estimated burden: 1,022 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $77,444 (per year), includes $12,364 annualized capital or operation and maintenance costs.

Changes in estimates: There is a slight increase of three hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This slight increase is due to the variability in the number of certificates and, therefore, the number of fees paid from year to year. The estimate of the costs associated with the fees program have increased from $67,445 to $77,444 due to wage estimate increases.

Byron J. Bunker,

Director, Compliance Division.

[FR Doc. 2022–07526 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2011–0901; FRL–9592–01–OAR]

Proposed Information Collection Request; Comment Request; Prevention of Significant Deterioration and Nonattainment New Source Review (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Prevention of Significant Deterioration and Nonattainment New Source Review'' (EPA ICR No. 1230.34, OMB Control No. 2060–0003) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed renewal of the ICR, which is currently approved through January 31, 2023. 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: Comments must be submitted on or before June 7, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2011–0901, online using

www.regulations.gov (our preferred method) by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ben Garwood, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–03, U.S. Environmental Protection Agency, Research Triangle Park, NC 27709; telephone number: (919) 541–1358; fax number: (919) 541–4028; email address: *garwood.ben@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 submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/comments.html.* Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov/* or email, as there may be a delay in processing mailand faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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 EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: This ICR is for activities related to the implementation of the EPA's New Source Review (NSR) program, for the time period between January 1, 2022, and January 31, 2023, and renews the previous ICR. Title I, part C of the Clean Air Act (CAA or the Act)—''Prevention of Significant Deterioration,'' and part D—''Plan Requirements for Nonattainment Areas,'' require all states to adopt preconstruction review programs for new or modified stationary sources of air pollution. In addition, the provisions of section 110 of the Act include a requirement for states to have a preconstruction review program to manage the emissions from the construction and modification of any stationary source of air pollution to assure that the National Ambient Air Quality Standards are achieved and maintained. Tribes may choose to develop implementation plans to address these requirements.

Implementing regulations for these three programs are promulgated at 40 CFR 49.101 through 49.105; 40 CFR 49.151 through 49.173; 40 CFR 51.160 through 51.166; 40 CFR part 51, Appendix S; and 40 CFR 52.21 and 52.24. In order to receive a construction permit for a major new source or major modification, the applicant must conduct the necessary research, perform the appropriate analyses and prepare the permit application with documentation to demonstrate that their project meets all applicable statutory and regulatory NSR requirements. Specific activities and requirements are listed and described in the Supporting Statement for the ICR.

State, local, tribal, or federal reviewing authorities review permit applications and provide for public review of proposed projects and issue permits based on their consideration of all technical factors and public input. The EPA, more broadly, reviews a fraction of the total applications and audits the state and local programs for their effectiveness. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal, state, and local environmental agencies to adequately review the permit applications and thereby properly administer and manage the NSR programs.

Information that is collected is handled according to 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: 5900–246, 5900–247, 5900–248, 5900–340, 5900–341, 5900–342, 5900–343, 5900–344, 5900–367, 5900–368, 5900–369, 5900–370, 5900–371, 5900–372, 5900–390, and 5900–391.

Respondents/affected entities: Entities potentially affected by this action are those which must apply for and obtain a preconstruction permit under part C or D or section 110(a)(2)(C) of title I of the Act. In addition, state, local, and tribal reviewing authorities that must review permit applications and issue permits are affected entities.

Respondent's obligation to respond: Mandatory [*see* 40 CFR part 49, subpart C; 40 CFR part 51, subpart I; 40 CFR part 52, subpart A; 40 CFR part 124, subparts A and C].

Estimated number of respondents: 30,359 (total); 30,236 industrial facilities and 123 state, local, and tribal reviewing authorities.

Frequency of response: On occasion, as necessary.

Total estimated burden: 2,970,503 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $242,352,032 (per year). This includes $3,772,240 annually in outsourced start-up costs for preconstruction monitoring.

Changes in estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB because the estimated number of permits of each type has not changed. There is a slight increase in estimated costs as labor costs have been updated from 2016 to 2019 labor rates.

Scott Mathias,

Acting Director, Air Quality Policy Division.

[FR Doc. 2022–07517 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0661; FRL–9729–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Surface Coating of Plastic Parts for Business Machines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Surface Coating of Plastic Parts for Business Machines (EPA ICR Number 1093.13, OMB Control Number 2060–0162), 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. Public comments were previously requested, via the **Federal Register**, on February 8, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted either on or before May 9, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0661, 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: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Surface Coating of Plastic Parts for Business Machines (40 CFR part 60 subpart TTT) were proposed on January 8, 1986; promulgated on January 29, 1988; and amended on October 17, 2000. These regulations apply to new facilities that perform industrial surface coating operations on plastic parts for use in the manufacture of business machines: Each spray booth that applies prime coats, color coats, texture coats or touch-up coats. New facilities include those that either commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart TTT.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Form Numbers: None.

Respondents/affected entities: Facilities that perform industrial surface coating on plastic parts for business machines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart TTT).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, quarterly and semiannually.

Total estimated burden: 992 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $117,000 (per year), which includes no annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; (2) the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–07457 Filed 4–7–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0010, FR ID 81193]

Information Collection Requirement 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 (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 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 Commission 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 June 7, 2022.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0010.

Title: Ownership Report for Commercial Broadcast Stations, FCC Form 323; Section 73.3615, Ownership Reports; Section 74.797, Biennial Ownership Reports.

Form Number: FCC Form 323.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, Local, or Tribal Governments.

Number of Respondents: 4,340 respondents; 4,340 responses.

Estimated Time per Response: 1.5 to 2.5 hours.

Frequency of Response: On occasion reporting requirement; biennial reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152(a), 154(i), 257, 303(r), 307, 309, and 310.

Total Annual Burden: 9,620 hours.

Total Annual Cost: $10,220,980.

Needs and Uses: On January 20, 2016, the Commission released a Report and Order, Second Report and Order, and Order on Reconsideration in MB Docket Nos. 07–294, 10–103, and MD Docket No. 10–234 (Second Report and Order). The Second Report and Order refines the collection of data reported on FCC Form 323, Ownership Report for Commercial Broadcast Stations, and FCC Form 323–E, Ownership Report for Noncommercial Broadcast Stations. Specifically, the Second Report and Order implements a Restricted Use FRN (RUFRN) within the Commission's Registration System (CORES) that individuals may use solely for the purpose of broadcast ownership report filings; eliminates the availability of the Special Use FRN (SUFRN) for broadcast station ownership reports, except in very limited circumstances; prescribes revisions to Form 323–E that conform the reporting requirements for noncommercial educational (NCE) broadcast stations more closely to those for commercial stations; and makes a number of significant changes to the Commission's reporting requirements that reduce the filing burdens on broadcasters, streamline the process, and improve data quality. These enhancements enable the Commission to obtain data reflecting a useful, accurate, and thorough assessment of minority and female broadcast station ownership in the United States while reducing certain filing burdens.

Currently, Form 323, Section II–A/II–B, Question 2.c asks ''Does the Respondent or any interest holder reported in response to Question 2(a) hold an attributable interest in any newspaper entities in the same market as any station for which this report is filed, as defined in 47 CFR 73.3555?'' This question was relevant to the Commission's Newspaper/Broadcast Cross-Ownership Rule, which prohibited common ownership of a full-power broadcast station and a daily newspaper if the station's contour (defined separately by type of station) completely encompassed the newspaper's city of publication and the station and newspaper were in the same relevant Nielsen market. On November 20, 2017, the Commission released an Order on Reconsideration and Notice of Proposed Rulemaking in MB Docket Nos, 04–256, 07–294, 09–182, 14–50, and 17–289 (Order on Reconsideration). Among other things, the Order on Reconsideration repealed the Newspaper/Broadcast Cross-Ownership Rule. Accordingly, Section II–A/II–B, Question 2.c will be eliminated from Form 323.

Licensees of commercial AM, FM, and full power television broadcast stations, as well as licensees of Class A and Low Power Television stations, must file FCC Form 323 every two years. Biennial Ownership Reports shall provide information accurate as of October 1 of the year in which the Report is filed. Form 323 shall be filed by December 1 in all odd-numbered years.

In addition, Licensees and Permittees of commercial AM, FM, and full power television stations must file Form 323 following the consummation of a transfer of control or an assignment of a commercial AM, FM, or full power television station license or construction permit; a Permittee of a new commercial AM, FM, or full power television station must file Form 323 within 30 days after the grant of the construction permit; and a Permittee of a new commercial AM, FM, or full power television broadcast station must file Form 323 to update the initial report or to certify the continuing accuracy and completeness of the previously filed report on the date that the Permittee applies for a license to cover the construction permit.

In the case of organizational structures that include holding companies or other forms of indirect ownership, a separate Form 323 must be filed for each entity in the organizational structure that has an attributable interest in the Licensee or Permittee.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–07608 Filed 4–7–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 80999]

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before June 7, 2022.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: CHRISTOPHER W JOHNSON, WAMI(AM); Fac. ID No. 66212, FROM OPP, AL, TO JACKSON'S GAP, AL, File No. BP–20220318AAI; IHM LICENSES, LLC, KVDU(FM), Fac. ID No. 34528, FROM HOUMA, LA, TO GONZALES, LA, File No. 0000187347; KENNEDY BROADCASTING, LLC, NEW(FM), Fac. ID No. 762447, FROM NEW ALBANY, MS, TO BRUCE, MS, File No. 0000186755; QBS BROADCASTING, LLC, WBQO(FM), Fac. ID No. 191581, FROM ST. SIMONS ISLAND, GA, TO DARIEN, GA, File No. 0000185843; CALL COMMUNICATIONS GROUP,

INC., WMFL(FM), Fac. ID No. 61088, FROM FLORIDA CITY, FL, TO PALMETTO BAY, FL, File No. 0000186693; and GOLDEN ISLES BROADCASTING, LLC, WSSI(FM), Fac. ID. No. 36929, FROM DARIEN, GA, TO ST. SIMONS ISLAND, GA, File No. 0000185840. The full text of these applications is available electronically via the Media Bureau's Consolidated Data Base System, *https://licensing.fcc.gov/prod/cdbs/pubacc/prod/app_sear.htm* or Licensing and Management System (LMS), *https://apps2int.fcc.gov/dataentry/public/tv/public AppSearch.html.*

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2022–07508 Filed 4–7–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0706, OMB 3060–1121; FR ID 81141]

Information Collections Requirement Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 (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 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 Commission 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 June 7, 2022.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0706.

Title: Sections 76.952 and 76.990, Cable Act Reform.

Type of Review: Extension a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents and Responses: 70 respondents; 70 responses.

Estimated Time per Response: 1–8 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in the Telecommunications Act of 1996, Public Law 104–104, Sections 301 and 302, 110 Stat. 56, 114–124.

Total Annual Burden: 210 hours.

Total Annual Cost: None.

Needs and Uses: The information collection requirements contained in 47 CFR 76.952 state that all cable operators must provide to the subscribers on monthly bills the name, mailing address and phone number of the franchising authority, unless the franchising authority in writing requests that the cable operator omits such information. The cable operator must also provide subscribers with the FCC community unit identifier for the cable system in their communities. 47 CFR 76.990(b)(1) requires that a small cable operator may certify in writing to its franchise authority at any time that it meets all criteria necessary to qualify as a small operator. Upon request of the local franchising authority, the operator shall identify in writing all of its affiliates that provide cable service, the total subscriber base of itself and each affiliate, and the aggregate gross revenues of its cable and non-cable affiliates. Within 90 days of receiving the original certification, the local franchising authority shall determine whether the operator qualifies for deregulation and shall notify the operator in writing of its decision, although this 90-day period shall be tolled for so long as it takes the operator to respond to a proper request for information by the local franchising authority. An operator may appeal to the Commission a local franchise authority's information request if the operator seeks to challenge the information request as unduly or unreasonably burdensome. If the local franchising authority finds that the operator does not qualify for deregulation, its notice shall state the grounds for that decision. The operator may appeal the local franchising authority's decision to the Commission within 30 days.

OMB Control No.: 3060–1121.

Title: Sections 1.30002, 1.30003, 1.30004, 73.875, 73.1657 and 73.1690, Disturbance of AM Broadcast Station Antenna Patterns.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and Not-for-profit Institutions.

Number of Respondents and Responses: 1,195 respondents and 1,195 responses.

Estimated Time per Response: 1–2 hours.

Frequency of Response: On occasion reporting requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 1,960 hours.

Total Annual Cost: $1,078,200.

Needs and Uses: On August 14, 2013, the Commission adopted the Third Report and Order and Second Order on Reconsideration in the matter of An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification, MM Docket No. 93–177, FCC 13–115. In the Third Report and Order in this proceeding, the Commission harmonized and streamlined the Commission's rules regarding tower construction near AM stations.

In AM radio, the tower itself functions as the antenna. Consequently, a nearby tower may become an unintended part of the AM antenna system, reradiating

the AM signal and distorting the authorized AM radiation pattern. Our old rules contained several sections concerning tower construction near AM antennas that were intended to protect AM stations from the effects of such tower construction, specifically, Sections 73.1692, 22.371, and 27.63. These old rule sections imposed differing requirements on the broadcast and wireless entities, although the issue is the same regardless of the types of antennas mounted on a tower. Other rule parts, such as Part 90 and Part 24, entirely lacked provisions for protecting AM stations from possible effects of nearby tower construction. In the Third Report and Order the Commission adopted a uniform set of rules applicable to all services, thus establishing a single protection scheme regarding tower construction near AM tower arrays. The Third Report and Order also designates ''moment method'' computer modeling as the principal means of determining whether a nearby tower affects an AM radiation pattern. This serves to replace time-consuming direct measurement procedures with a more efficient computer modeling methodology that is reflective of current industry practice.

Information Collection Requirements Contained in this Collection: 47 CFR 1.30002(a) requires a proponent of construction or modification of a tower within a specified distance of a nondirectional AM station, and also exceeding a specified height, to notify the AM station at least 30 days in advance of the commencement of construction. If the tower construction or modification would distort the AM pattern, the proponent shall be responsible for the installation and maintenance of detuning equipment.

47 CFR 1.30002(b) requires a proponent of construction or modification of a tower within a specified distance of a directional AM station, and also exceeding a specified height, to notify the AM station at least 30 days in advance of the commencement of construction. If the tower construction or modification would distort the AM pattern, the proponent shall be responsible for the installation and maintenance of detuning equipment.

47 CFR 1.30002(c) states that proponents of tower construction or alteration near an AM station shall use moment method modeling, described in § 73.151(c), to determine the effect of the construction or alteration on an AM radiation pattern.

47 CFR 1.30002(f) states that, with respect to an AM station that was authorized pursuant to a directional proof of performance based on field strength measurements, the proponent of the tower construction or modification may, in lieu of the study described in § 1.30002 (c), demonstrate through measurements taken before and after construction that field strength values at the monitoring points do not exceed the licensed values. In the event that the pre-construction monitoring point values exceed the licensed values, the proponent may demonstrate that post-construction monitoring point values do not exceed the pre-construction values. Alternatively, the AM station may file for authority to increase the relevant monitoring point value after performing a partial proof of performance in accordance with § 73.154 to establish that the licensed radiation limit on the applicable radial is not exceeded.

47 CFR 1.30002(g) states that tower construction or modification that falls outside the criteria described in paragraphs § 1.30002(a) and (b) is presumed to have no significant effect on an AM station. In some instances, however, an AM station may be affected by tower construction notwithstanding the criteria set forth in paragraphs § 1.30002(a) and (b). In such cases, an AM station may submit a showing that its operation has been affected by tower construction or alteration. Such showing shall consist of either a moment method analysis or field strength measurements. The showing shall be provided to (i) the tower proponent if the showing relates to a tower that has not yet been constructed or modified and otherwise to the current tower owner, and (ii) to the Commission, within two years after the date of completion of the tower construction or modification. If necessary, the Commission shall direct the tower proponent to install and maintain any detuning apparatus necessary to restore proper operation of the AM antenna.

47 CFR 1.30002(h) states that an AM station may submit a showing that its operation has been affected by tower construction or modification commenced or completed prior to or on the effective date of the rules adopted in this Part pursuant to MM Docket No. 93–177. Such a showing shall consist of either a moment method analysis or of field strength measurements. The showing shall be provided to the current owner and the Commission within one year of the effective date of the rules adopted in this Part. If necessary, the Commission shall direct the tower owner, if the tower owner holds a Commission authorization, to install and maintain any detuning apparatus necessary to restore proper operation of the AM antenna.

47 CFR 1.30002(i) states that a Commission applicant may not propose, and a Commission licensee or permittee may not locate, an antenna on any tower or support structure, whether constructed before or after the effective date of these rules, that is causing a disturbance to the radiation pattern of the AM station, as defined in paragraphs § 1.30002(a) and (b), unless the applicant, licensee, or tower owner completes the new study and notification process and takes appropriate ameliorative action to correct any disturbance, such as detuning the tower, either prior to construction or at any other time prior to the proposal or antenna location.

47 CFR 1.30003(a) states that when antennas are installed on a nondirectional AM tower the AM station shall determine operating power by the indirect method (see § 73.51). Upon the completion of the installation, antenna impedance measurements on the AM antenna shall be made. If the resistance of the AM antenna changes, an application on FCC Form 302–AM (including a tower sketch of the installation) shall be filed with the Commission for the AM station to return to direct power measurement. The Form 302–AM shall be filed before or simultaneously with any license application associated with the installation.

47 CFR 1.30003(b) requires that, before antennas are installed on a tower in a directional AM array, the proponent shall notify the AM station so that, if necessary, the AM station may determine operating power by the indirect method (see § 73.51) and request special temporary authority pursuant to § 73.1635 to operate with parameters at variance. For AM stations licensed via field strength measurements (see § 73.151(a)), a partial proof of performance (as defined by § 73.154) shall be conducted both before and after construction to establish that the AM array will not be and has not been adversely affected. For AM stations licensed via a moment method proof (see § 73.151(c)), the proof procedures set forth in § 73.151(c) shall be repeated. The results of either the partial proof of performance or the moment method proof shall be filed with the Commission on Form 302–AM before or simultaneously with any license application associated with the installation.

47 CFR 1.30004(a) requires proponents of proposed tower construction or modification to an existing tower near an AM station that

are subject to the notification requirement in §§ 1.30002–1.30003 to provide notice of the proposed tower construction or modification to the AM station at least 30 days prior to commencement of the planned tower construction or modification. Notification to an AM station and any responses may be oral or written. If such notification and/or response is oral, the party providing such notification or response must supply written documentation of the communication and written documentation of the date of communication upon request of the other party to the communication or the Commission. Notification must include the relevant technical details of the proposed tower construction or modification, and, at a minimum, also include the following: Proponent's name and address; coordinates of the tower to be constructed or modified; physical description of the planned structure; and results of the analysis showing the predicted effect on the AM pattern, if performed.

47 CFR 1.30004(b) requires that a response to a notification indicating a potential disturbance of the AM radiation pattern must specify the technical details and must be provided to the proponent within 30 days.

47 CFR 1.30004(d) states that if an expedited notification period (less than 30 days) is requested by the proponent, the notification shall be identified as ''expedited,'' and the requested response date shall be clearly indicated.

47 CFR 1.30004(e) states that in the event of an emergency situation, if the proponent erects a temporary new tower or makes a temporary significant modification to an existing tower without prior notice, the proponent must provide written notice to potentially affected AM stations within five days of the construction or modification of the tower and cooperate with such AM stations to remedy any pattern distortions that arise as a consequence of such construction.

47 CFR 73.875(c) requires an LPFM applicant to submit an exhibit demonstrating compliance with § 1.30003 or § 1.30002, as applicable, with any modification of license application filed solely pursuant to paragraphs (c)(1) and (c)(2) of this section, where the installation is on or near an AM tower, as defined in § 1.30002.

47 CFR 73.1675(c)(1) states that where an FM, TV, or Class A TV licensee or permittee proposes to mount an auxiliary facility on an AM tower, it must also demonstrate compliance with § 1.30003 in the license application.

47 CFR 73.1690(c) requires FM, TV, or Class A TV station applicants to submit an exhibit demonstrating compliance with § 1.30003 or § 1.30002, as applicable, with a modification of license application, except for applications solely filed pursuant to paragraphs (c)(6) or (c)(9) of this section, where the installation is located on or near an AM tower, as defined in § 1.30002.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2022–07597 Filed 4–7–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 25, 2022.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Gwen A. Henson, New Orleans, Louisiana;* to retain voting shares of The H. Pat Henson Company, Maysville, Oklahoma, and thereby indirectly retain voting shares of Farmers and Merchants Bank, Maysville, Oklahoma, and the Peoples State Bank, Blair, Oklahoma.

Board of Governors of the Federal Reserve System, April 5, 2022.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022–07613 Filed 4–7–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than April 25, 2022.

A. Federal Reserve Bank of Richmond (Brent B. Hassell, Assistant Vice President) P.O. Box 27622, Richmond, Virginia 23261. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *Harbor Bankshares Corporation, Baltimore Maryland;* through its subsidiaries Harbor Bankshares Capital Corporation and Harbor Bankshares Asset Management, LLC, both of Baltimore, Maryland, to engage in

extending credit and servicing loans and community development activities pursuant to sections 225.28(b)(1) and (b)(12) of the Board's Regulation Y, respectively.

Board of Governors of the Federal Reserve System, April 5, 2022.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022–07612 Filed 4–7–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 9, 2022.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Walden MHC and Walden Bancorp, Inc., both of Montgomery, New York;* to become a mutual savings and loan holding company and a mid-tier stock savings and loan holding company, respectively, by acquiring Walden Savings Bank, Montgomery, New York, in connection with Walden Savings Bank's conversion from mutual to stock form.

Board of Governors of the Federal Reserve System, April 5, 2022.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2022–07611 Filed 4–7–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–22DW; Docket No. CDC–2022–0042]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Project Firstline Partner Reporting. This project is designed to collect information on the assessment of performance and progress data on a new infection prevention and control program for frontline healthcare personnel.

DATES: CDC must receive written comments on or before June 7, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0042, by either of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *https://www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*https://www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; *Telephone:* 404–639–7570; *Email: omb@cdc.gov.*

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Project Firstline Partner Reporting—New—National Center for Emerging and

Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Division of Healthcare Quality Promotion's Project Firstline (PFL) is submitting a new information collection request to cover two partner reporting tools for three years. PFL aims to provide frontline healthcare personnel (HCP) necessary infection prevention and control (IPC) knowledge to prevent the transmission of healthcare acquired infections and COVID–19 in healthcare settings. IPC materials and education will be disseminated by CDC and funded partners via trainings and promotional materials to reach healthcare personnel in a variety of settings.

PFL is a new program, and as such, collection of performance/progress data is critical for successful program implementation and ongoing improvement. Gathering data from PFL partners will provide crucial insights into the diverse needs of HCP, gaps in existing CDC training resources, and will help CDC understand the reach and impact of the PFL initiative. Having this information will allow CDC and partners to monitor progress towards desired outcomes while improving PFL outreach and programming based on lessons learned. The PFL collaborative network, data-driven training and education programs, and targeted messaging through digital platforms will help drive behavior change—enhancing the readiness of the nation's frontlines to respond to the current COVID–19 pandemic and future disease outbreaks.

The PFL collaborative consists of 11 national partners (five of which have subrecipients). National partners and their subrecipients will report on their communications and training efforts conducted with, or tailored to, their respective memberships under the PFL initiative. CDC requests OMB approval for an estimated 1,168 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
National Partners	Comms Reporting	11	12	1.0	132
National Partners	Training Reporting	11	12	0.2	22
Subrecipients & Collaborators	Comms Reporting	74	12	1.0	888
Subrecipients & Collaborators	Training Reporting	63	12	0.2	126
Total					1,168

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–07520 Filed 4–7–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–1254]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Communities Organized to Prevent Arboviruses: Assessment of Knowledge, Attitudes, and Vector Control Practices and Sero-Prevalence and Incidence of Arboviral Infection in Ponce, Puerto Rico (COPA Study), to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on [insert November 22, 2021] to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Communities Organized to Prevent Arboviruses: Assessment of Knowledge, Attitudes, and Vector Control Practices and Sero-Prevalence and Incidence of Arboviral Infection in Ponce, Puerto Rico (COPA Study) (OMB Control No. 0920–1254)—Reinstatement with Change—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The four viruses that cause dengue are transmitted by *Aedes* species

mosquitoes and were introduced to the Americas over the past several hundred years where they have since become endemic. Puerto Rico, a Caribbean island and U.S. commonwealth, has the highest burden of dengue virus in the U.S., and recent years have seen the emergence of two epidemic arthropod-borne viruses (arboviruses) also transmitted by *Aedes* mosquitoes. Chikungunya virus was introduced into the Caribbean in late 2013 and caused large epidemics of fever with severe joint pain throughout the Caribbean and Americas in 2014. Zika virus, the first arbovirus that can also be transmitted through sexual contact, was first detected in the Americas in 2014 and has been associated with devastating birth defects and Guillain-Barre syndrome. Yellow fever virus has recently caused large outbreaks in Brazil, and there is risk of importation to Puerto Rico and other counties in the Americas.

The public health response to the spread of these arboviruses throughout the tropics, where their mosquito vectors thrive, has been hampered by a lack of sustainable and effective interventions to prevent infection with any of these arboviruses at the community level. Moreover, the rapid speed with which new arboviruses spread generally does not provide the time needed to plan and implement community-level interventions to decrease viral transmission. Although several candidate vaccines for chikungunya and Zika viruses are currently in clinical development, none are yet available. A dengue vaccine was recently recommended for children 9–16 years old with previous dengue infection and living in dengue-endemic parts of the United States. However, this will only benefit a small proportion of the population at risk for dengue infection.

The purpose of the Communities Organized to Prevent Arboviruses (COPA) project is to measure the incidence of arboviral infections and assess suitability, acceptability, and impact of community-level mosquito control interventions in 38 communities in southern Puerto Rico. The study investigators have prior experience working in these communities; however, there is minimal available information regarding the prevalence or incidence of infection with tropical arboviruses, density of Ae. aegypti mosquitos, and community members' knowledge, attitudes, and behaviors for avoiding mosquito bites. This information is needed to inform decision-making regarding the location, design, and content of mosquito control interventions to be implemented, as well as to evaluate their effectiveness in reducing the arbovirus burden. Additionally, the COPA project can act as a research platform to assess acceptability of arbovirus vaccines and other individual level prevention measures in Puerto Rico and provide community-level data on emerging diseases, including novel coronavirus 2019 (COVID–19).

We will collect demographic information (*e.g.,* age, sex, duration of time residing in Puerto Rico), travel history, and information on recent illnesses from all participants via household (and individual) questionnaires. Parents or guardians will serve as proxy respondents for children aged <7 years. The questionnaires will be administered after written consent and written or verbal assent (for minors) from those present in the household at the time of the visit. GPS coordinates will also be collected for each household visited to later assess for potential clustering of arboviral infections within communities. We will ask participants if they have been ill with arbovirus- or COVID–19-like illness (*i.e.,* fever, rash, cough, sore throat, difficulty breathing, diarrhea, body pain, or loss of taste/smell) in the past week and year. If so, we will collect details on the symptoms experienced during their illness. Questionnaire administration and study participation will be limited to residents from the 38 communities in Ponce. Being a resident is defined by having slept in the house for at least four of the past seven nights. At the time of the questionnaire administration, ~15 mL of blood will be collected to conduct serological testing of arboviruses for a sero-survey. If the participant has COVID–19-like symptoms, an anterior nasal swab will also be collected.

The questionnaire section will vary depending on the age of each participant. The Household questionnaire will be administered to one household representative in each home with one or more COPA participants. This questionnaire collects information on household composition, characteristics, and use of chemical insecticides and other preventive practices. The household representative should be 21 years or older or an emancipated minor. If all eligible household members are unemancipated minors, a household member over the age of 50 may act as household representative and complete this section of the survey only. A minor residing without an adult in the household may participate and act as a household representative if they have parent or legal guardian consent to do so.

The Individual questionnaire will be administered to all participants to collect individual-level socio-demographic information. This questionnaire will collect information on past illnesses and health seeking behaviors, identify the main healthcare facilities used in the area, and estimate costs associated with acute febrile illness. Questions related to COVID–19 vaccine uptake, illness, and diagnosis are also included to describe and estimate the number of previous SARS–CoV–2 infections and evaluate the success of ongoing COVID–19 vaccination efforts in these communities.

The mobility questionnaire will be administered to all participants to assess general individual-level mobility patterns, including time spent in and outside of the home each week. We will ask participants about the location and characteristics of places where they spend more than five hours a week to assess potential arboviral exposures outside of the home.

The assessment of Knowledge, Attitudes, and Practices (KAP) questionnaire will be administered to participants 14–50 years old to collect information on knowledge, perceptions of risk and prevention measures, and experience with dengue and COVID–19. This data will be used to understand how community members view arboviral diseases and COVID–19 and how these perceptions relate to experience and willingness to adopt individual and community-level prevention measures. Questions related to general perceptions and confidence in vaccines will be asked to see how these relate to intentions to vaccinate against dengue and COVID–19.

A Vector Control questionnaire will be administered to all household representatives to evaluate knowledge and acceptability of several mosquito control methods. This information will be shared with local governments and vector control agencies to inform selection and implementation of potential mosquito control interventions in the region.

An Acute Illness Surveillance (AIS) project component is being implemented to better identify and assess the incidence of arboviral disease and COVID–19 among COPA participants. This additional weekly activity will use an automated text-messaging system to ask COPA household representatives and other household adults who consent to receive text messages if any COPA participants in the household have

experienced fever or other COVID-like symptoms in the past seven days. Project staff will contact households in which one or more participants reported symptoms to schedule an appointment to collect samples for arbovirus and SARS–CoV–2 molecular testing and to administer a AIS questionnaire about symptoms, exposure and health seeking behaviors. From previous febrile surveillance studies, we expect approximately 40% of household adults will respond to text messages each week and 10% of COPA participants will report acute symptoms and agree to a sample collection visit each year.

Participants with a positive SARS–CoV–2 molecular test will be contacted by phone 2–4 weeks later for a COVID–19 Case Follow-Up questionnaire on symptoms, health care seeking, potential exposures, and outcomes of SARS–CoV–2 infection. We are expecting that 20% of participants who report symptoms will have a positive COVID–19 result and respond to this follow-up questionnaire.

The central COPA questionnaires (Household, Individual, KAP, Mobility, and Vector Control) will be repeated among approximately 3,800 participants every 12 months, up to a period of five years. The AIS and COVID–19 Follow-Up components will be renewed and modified annually as applicable according to research and funding priorities. This project will allow us to better understand the risk, perceptions, and burden of arboviral infections and COVID–19 and evaluate a community-based approach for vector control in 38 communities in Ponce, Puerto Rico. The information obtained will inform decision making regarding the location, design, content, and evaluation of future mosquito control interventions implemented in Puerto Rico. Data on incidence and perception of COVID–19 disease will also be used to inform local control programs and fill the current knowledge gaps.

CDC requests OMB approval for an estimated 4,309 annual burden hours. There is no cost to respondents other than the time needed to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Ponce residents from the 38 selected communities 21 years and older or emancipated minor.	Household Representative questionnaire	2,700	1	10/60
Ponce residents from the 38 selected communities 1–50 years old.	Individual questionnaire	3,800	1	20/60
Ponce residents from the 38 selected communities 1–50 years old.	Specimen collection	3,800	1	5/60
Ponce residents from the 38 selected communities 14–50 years old.	Knowledge, Attitudes, and Practices questionnaire.	3,090	1	15/60
Ponce residents from the 38 selected communities 1–50 years old.	Mobility questionnaire	3,800	1	10/60
Ponce residents from the 38 selected communities 21 years and older.	Vector Control questionnaire	2,500	1	10/60
Ponce residents from the 38 selected communities 21 years and older.	AIS text message	1,000	52	0.5/60
Ponce residents from the 38 selected communities with inclusion criteria.	AIS questionnaire	380	1	8/60
Ponce residents from the 38 selected communities with inclusion criteria that tested positive for SAR–CoV–2.	COVID–19 Case Follow-Up questionnaire	75	1	6/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–07519 Filed 4–7–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Award of a Single-Source Cooperative Agreement To Fund Ministerio de Salud de la República de Panamá (MINSA)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the cancellation of an award of approximately $10,000,000 for Year 1 of funding to MINSA.

DATES: The notice of award was cancelled on 04/05/2022.

FOR FURTHER INFORMATION CONTACT: Lily de Leon, Center for Global Health, Centers for Disease Control and Prevention, 18 Avenida 11–37, Zona 15, VHIII, 502) 23298426 or (404) 718–2645 USA. Email: *izo0@cdc.gov.*

SUPPLEMENTARY INFORMATION: On March 9, 2022, CDC announced a single-source award to support MINSA to scale up high-impact HIV prevention, testing and treatment models in Panama. This award is cancelled in its entirety.

Dated: April 5, 2022.

Terrance Perry,

Chief Grants Management Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–07542 Filed 4–7–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–22–1275; Docket No. CDC–2022–0048]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the extension of an information collection project titled Promoting Adolescent Health through School-Based HIV Prevention. CDC will continue to use a web-based system to collect data on the strategies that funded Local Education Agencies (LEAs) are using to meet their goals related to three strategies: Delivery of sexual health education (SHE) emphasizing HIV and other STD prevention, increasing adolescent access to key sexual health services (SHS), and establishing safe and supportive environments (SSE) for students and staff.

DATES: CDC must receive written comments on or before June 7, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0048 by either of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) *or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Promoting Adolescent Health through School-Based HIV Prevention (OMB Control No. 0920–1275, Exp. 11/30/2022)—Extension—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Many young people engage in sexual behaviors that place them at risk for HIV infection, other sexually transmitted diseases (STD), and pregnancy. According to the 2017 Youth Risk Behavior Survey (YRBS), 39.5% of high school students in the United States have had sexual intercourse and 28.7% were currently sexually active. Among currently sexually active students, 46.2% did not use a condom, and 13.8% did not use any method to prevent pregnancy the last time they had sexual intercourse. While the proportion of high school students who are sexually active has steadily declined, half of the 20 million new STDs reported each year are among young people between the ages of 15–24. Young people aged 13–24 account for 21% of all new HIV diagnoses in the United States, with most occurring among 20–24 year-olds.

Establishing healthy behaviors during childhood and adolescence is easier and more effective than trying to change unhealthy behaviors during adulthood. A critical stage that offers valuable opportunities for improving adolescent health is at school. Schools have direct contact with over 50 million students for at least six hours a day over 13 key years of their social, physical, and intellectual development. In addition, schools often have staff with knowledge of critical health risk and protective behaviors and have pre-existing infrastructure that can support a varied set of healthful interventions. This makes schools well-positioned to help reduce adolescents' risk for HIV infection and other STDs through sexual health education (SHE), access to sexual health services (SHS), and safe and supportive environments (SSE).

Since 1987, the Division of Adolescent and School Health (DASH) in the National Center for HIV, Viral Hepatitis, STD, and TB Prevention of the Centers for Disease Control and Prevention (CDC), has worked to support HIV prevention efforts in the Nation's schools. DASH requests an OMB extension to continue to collect data from agencies funded under award PS18–1807: Promoting Adolescent Health through School-Based HIV Prevention. PS 18–1807 is currently starting year three of data collection, and program activities will continue through 2023. Funded agencies are local education agencies (LEAs), also known as school districts. The fundamental purposes of PS18–1807 are; (1) to build and strengthen the capacity of LEAs and their priority schools to contribute effectively to the reduction of HIV infection and other STD among adolescents, and (2) to reduce disparities in HIV infection and other STD experienced by specific adolescent sub-populations. Priority schools are middle and high schools within the funded LEAs in which youth are at risk for HIV infection and other STD. This funding supports a multi-component, multilevel effort to support youth reaching adulthood in the healthiest possible way.

DASH will continue to use a web-based system to collect data on the strategies that LEAs are using to meet their goals. Strategies include helping LEAs and priority schools deliver SHE emphasizing HIV and other STD prevention; increasing adolescent access to key SHS; and establishing SSE for students and staff. To track funded LEA progress and evaluate the effectiveness of program activities, DASH will collect a mix of process and outcome measure data. LEAs will complete process measures that will assess the extent to which planned program activities have been implemented and lead to feasible and sustainable programmatic outcomes. Process measures include items on school health policy and practice assessment and training and technical assistance received from non-governmental partner organizations. Outcome measures assess whether funded activities at each site are leading to intended outcomes including public health impact of systemic change in schools. The measures tailored to each PS18–1807 strategy (*i.e.,* SHE, SHS, SSE) drove the development of questionnaires.

Respondents are the same 25 LEAs funded under PS18–1807. LEAs will continue to complete the questionnaires semi-annually using the Program Evaluation and Reporting System (PERS), an electronic web-based interface specifically designed for this data collection. Each LEA has a unique login to the system and has access to technical assistance to ensure they can use the system easily. To provide timely feedback to LEAs and DASH staff for accountability and optimal use of funds, the requested dates for data reflect the Office of Financial Resources deadlines. DASH anticipates that semi-annual information collection will continue after the current OMB approval time frame ends on November 30, 2022. With this extension, additional data collection will be conducted at two time points, November 1, 2022–March 1, 2023 and May 1, 2023–September 1, 2023.

The estimated burden per response is approximately 2–26 hours. This estimate includes time for LEAs to gather information at the district and priority school-levels. Annualizing this collection over five years of this project results in an estimated annualized burden of 1,750 hours per year and a total of 3,500 hours for the requested two-year extension across all funded LEAs.

Funded LEAs are required to allocate at least 6% of their NOFO award to support evaluation activities ranging from $15,000 to $21,000. Use of these funds is discretionary, including for collection of process and outcome measures. Funded LEAs are required to spend at least 6% of their award to support evaluation activities, including time to gather and enter data into the online performance and evaluation reporting system.

CDC requests OMB approval for an estimated 1,750 annual burden hours. There are no costs to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
LEA	Funded District Questionnaire	25	2	2	100
	Priority School Questionnaire	25	2	26	1,300
	District Assistance Questionnaire	25	2	7	350
Total					1,750

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–07522 Filed 4–7–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–22–0980; Docket No. CDC–2022–0045]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Environmental Assessment Reporting System (NEARS). This project is designed to collect data from foodborne illness outbreak environmental assessments routinely conducted by local, state, territorial, or tribal food safety programs during outbreak investigations.

DATES: CDC must receive written comments on or before June 7, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0045, by either of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

National Environmental Assessment Reporting System (NEARS) (OMB Control No. 0920–0980, Exp. 8/31/2022)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting OMB approval for the National Environmental Assessment Reporting System (NEARS) to collect data from foodborne illness outbreak environmental assessments routinely conducted by local, state, territorial, or tribal food safety programs during outbreak investigations. Prior to the development of NEARS, environmental assessment data were not collected at the national level. The data reported through this surveillance system provides timely information on the causes of outbreaks, including environmental factors associated with outbreaks, and are essential to environmental public health regulators' efforts to respond more effectively to outbreaks and prevent future, similar outbreaks. This surveillance system was specifically designed to link to CDC's National Outbreak Reporting System (NORS). NORS is a disease (*e.g.,* enteric diseases transmitted by food) outbreak surveillance system. NEARS was developed by the Environmental Health Specialists Network (EHS–Net), a collaborative network of CDC, the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and nine state food safety programs (California, Connecticut, Georgia, Iowa, New York, Minnesota, Oregon, Rhode Island, and Tennessee). The network consists of environmental health specialists (EHS), epidemiologists, and laboratorians. EHS-Net developed a standardized protocol for identifying, reporting, and analyzing data relevant to foodborne illness outbreak environmental assessments.

While conducting environmental assessments during outbreak investigations is routine for food safety program officials, reporting information from the environmental assessments to CDC is not routine. Local, state, federal, territorial, and tribal food safety programs are the primary respondents for this data collection. One official from each participating program will report environmental assessment data on outbreaks. These programs are typically located in public health or agriculture agencies. In the U.S., there are approximately 3,000 such agencies. Currently, 63 state and local health departments are registered to report data on outbreaks to NEARS. Based on our experience over the past five years, we expect up to 10 additional local and state public health departments to register to report outbreak data to NEARS over the next three years.

It is not possible to determine exactly how many outbreaks will occur in the future, nor where they will occur. Based on past trends, it is likely that up to 300 foodborne illness outbreaks may be reported annually to NEARS from up to 63 entities for the duration of the next PRA clearance. Only programs in the jurisdictions in which these outbreaks occur would report to NEARS. Thus, not every program of the approximate 3,000 programs will respond every year. Assuming each outbreak occurs in a different jurisdiction, there will be one respondent per outbreak.

The activities associated with NEARS that require a burden estimate consist of training, observing, data recording, and data reporting events. The first activity is the training for the food safety program personnel participating in NEARS. These staff will be encouraged to attend a Zoom/Microsoft Teams Meeting (*i.e.,* webinar) training session conducted by CDC staff. Training burden is based on the maximum expected participation from the reporting entities which could be up to 10 additional local and state health departments. We estimate the burden of this training to be a maximum of two hours. Respondents will only be required to take this training one time. Assuming a maximum participation of up to 10 programs and about five staff being trained at each participating program, the total estimated burden associated with this training is 100 hours.

Food safety program personnel participating in NEARS will also be encouraged to complete CDC's Environmental Assessment Training Series (EATS). This eCourse provides training to staff on how to use a systems approach in foodborne illness outbreak environmental assessments. We estimate the burden of this training to be a maximum of 10 hours. Respondents will only have to take this training one time. Assuming a maximum participation of up to 10 programs and approximately five staff being trained at each program, the estimated burden associated with this training is 500 hours.

Data reporting activities for NEARS will be done once for each establishment involved in the outbreak. Information collection activities for NEARS consist of the following: NEARS data reporting and NEARS manager interview. For each outbreak, the respondent (one official from each participating program) will spend around 30 minutes recording environmental assessment data on pen and paper. Assuming a maximum of 300 outbreaks, the estimated annual burden is 150 hours for recording observations.

The manager interview will be conducted at each establishment associated with an outbreak and data is initially recorded using pen and paper. The respondents for this activity are the retail food managers of the outbreak establishments. Most outbreaks are associated with only one establishment; however, some are associated with multiple establishments. We estimate that a maximum of four manager interviews will be conducted per outbreak. Each interview and data reporting will take about 20 minutes. Assuming a maximum of 300 outbreaks, the estimated annual burden is 400 hours. Web-based data entry for both data recording and the manager

interview will be combined. Data entry into the NEARS system is expected to take approximately 40 minutes for the combined activities, for a total of 200 burden hours. The total estimated annual burden requested for this information collection is 1,350 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Food safety program personnel	NEARS Food Safety Program Training.	50	1	2	100
	NEARS e-Learning (screenshots)	50	1	10	500
	NEARS Data Recording (paper form).	300	1	30/60	150
	NEARS Data reporting and manager's interview (web entry).	300	1	40/60	200
Retail food personnel	NEARS Manager Interview	1,200	1	20/60	400
Total					1,350

Jeffery M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–07521 Filed 4–7–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; National and Tribal Evaluation of the 2nd Generation of the Health Profession Opportunity Grants (OMB #0970–0462)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Health Profession Opportunity Grants (HPOG) Program provides healthcare occupational training for Temporary Assistance for Needy Families recipients and other individuals with low incomes. The Office of Management and Budget (OMB) has approved various data collection activities for the National and Tribal Evaluation of the 2nd Generation of HPOG (HPOG 2.0 National and Tribal Evaluation) under OMB #0970–0462. The Administration for Children and Families' (ACF) Office of Planning, Research, and Evaluation (OPRE) is now preparing to conduct the HPOG 2.0 Long-Term Follow-Up Study of HPOG 2.0 participants 5½ years after study enrollment, using a long-term survey (LTS) and administrative data. This notice provides a summary for public review and comment of the use and burden associated with the LTS instrument.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The HPOG 2.0 evaluation of non-tribal programs is assessing the implementation and impacts of HPOG in non-tribal HPOG programs and will include a cost-benefit analysis. Key participant outcomes of interest include (but are not limited to) educational progress, employment, and earnings.

The HPOG 2.0 Long-Term Follow-Up Study will use survey and administrative data to estimate longer-term (approximately 5½ years after random assignment) program impacts at the local and national level and to explore characteristics of local programs that are associated with more favorable outcomes. By extending data collection to include an LTS, OPRE can address important unanswered questions for policymakers and practitioners. The HPOG 2.0 LTS specifically will provide insights into the long-term impacts of HPOG 2.0 for outcomes that are not captured in administrative records, such as details about educational experiences, characteristics of employment, self-employment, and earnings from jobs not covered in administrative data, receipt of public assistance, physical and mental well-being, and child outcomes. There are two versions of the HPOG 2.0 LTS, the full version (Instrument 21) and a shorter version with critical items of interest only (Instrument 21a). Instrument 21a will be offered to reluctant participants who would otherwise not complete the survey to help maximize response rates and reduce item non-response for the most critical outcomes in the study.

Respondents: HPOG impact study participants from the 27 non-tribal HPOG 2.0 grantees (treatment and control group members) who enrolled between September 2017 and January 2018.

Annual Burden Estimates: This request is specific to the HPOG 2.0 Long-Term Follow-Up Survey (LTS) (both the full and critical items only versions). Currently approved materials and associated burden, which we plan to continue to use can be found at: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=201904-0970-006.*

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Instrument 21a: HPOG 2.0 Long-Term Survey	3,064	1	1	3,064	1,021

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Instrument 21a: HPOG 2.0 Long-Term Survey Critical Items Instrument	541	1	0.33	179	60
Total	3,605			3,243	1,081

Estimated Total Annual Burden Hours: 1,081.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 2008 of the Social Security Act as enacted by section 5507 of the Affordable Care Act and section 413 of the Social Security Act, 42 U.S.C. 613.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–07461 Filed 4–7–22; 8:45 am]

BILLING CODE 4184–72–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; State Plan for the Temporary Assistance for Needy Families (TANF) (OMB #: 0970–0145)

AGENCY: Office of Family Assistance, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the State Plan for the Temporary Assistance for Needy Families (TANF) (TANF State Plan; OMB #0970–0145, expiration 5/31/2022). There are no changes requested to this information collection.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The TANF State Plan is a mandatory statement submitted to the Secretary of the Department of Health and Human Services by the state. It consists of an outline specifying how the state's TANF program will be administered and operated and certain required certifications by the state's Chief Executive Officer. It is used to provide the public with information about the program.

Authority to require states to submit a state TANF plan is contained in section 402 of the Social Security Act, as amended by Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. States are required to submit new plans within a 27-month period.

Respondents: The 50 States of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents per year	Total number of annual responses per respondent	Average burden hours per response	Annual burden hours
Title Amendments	18	1	3	54
State TANF plan	18	1	30	540

Estimated Total Annual Burden Hours: 594.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Section 402 of the Social Security Act (42 U.S.C. 602), as amended by Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–07459 Filed 4–7–22; 8:45 am]

BILLING CODE 4184–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Older Americans Act, Title VI Grant Application

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on a proposed extension without change information collection and solicits comments on the information collection requirements related to the Application for Older Americans Act, Title VI Parts A/B and C Grants.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by June 7, 2022.

ADDRESSES: Submit electronic comments on the collection of information to: Jasmine Aplin. Submit written comments on the collection of information to the Administration for Community Living, Washington, DC 20201, Attention: Jasmine Aplin.

FOR FURTHER INFORMATION CONTACT: Jasmine Aplin, Administration for Community Living, Washington, DC 20201, *jasmine.aplin@acl.hhs.gov* or 202–795–7453.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. A Collection of information includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

ACL is responsible for administering the Title VI A/B (Nutrition and Supportive Service) and C (Caregiver) grants. The purpose of this data collection is to improve and standardize the format of the application. The instrument will collect data as prescribed by the Older Americans Act Section 612(a), 614(a) and 45 CFR 1326.19 related to the eligibility of Federally-recognized Tribes and Native Hawaiian organizations for grant funds under this program and their capacity to deliver services to elders.

The Application for Older Americans Act, Title VI A/B and C Grants collects information on the ability of federally-recognized American Indian, Alaskan Native and Native Hawaiian organizations to provide nutrition, supportive, and caregiver services to elders within their service area. Applicants are required to provide a description of their organization's service area, the number of eligible elders in their service area, and their ability to deliver services and sign assurances that the organization will comply with all applicable laws and regulations.

This is an extension of a currently approved information collection. The proposed data collection materials have been updated to better align with the requirements of the Older Americans Act and Federal regulations, as well as to improve data quality and grantee accountability. Furthermore, this grantee application will better line up with the Title VI Program Performance Report under 0985–0059. This data collection will also support ACL in tracking performance outcomes and efficiency measures with respect to the annual and long-term performance targets established in compliance with the Government Performance Results Modernization Act (GPRMA).

The proposed data collection tools may be found on the ACL website for review at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

Title VI funding is broken into three categories. Parts A and B are for nutritional and supportive programming, with Part A being restricted to American Indian and Alaska Native grantees, and Part B restricted to Native Hawaiian grantees. Part C is for caregiver programming. All Part C grantees must have Part A/B funding, but not all Part A/B grantees will have Part C programs. Therefore, there are likely to be 295 unique respondents, but only 250 will have to complete all three portions of the application. This application covers all three parts of Title VI.

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Title VI Application Part A/B	295	1	2.75	270.4
Title VI Application Part C	250	1	1.5	125
Total			4.25	395.4

The number of burden hours associated with the Title VI, Part C, data collection was calculated as 811.25. However, since this instrument is used only once every three years results in an annualized number of 270.4 hours.

Similarly, the total hours associated with the Title VI, Part C, application is 375.

Dated: April 4, 2022.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022–07507 Filed 4–7–22; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–1268]

Use of Whole Slide Imaging in Nonclinical Toxicology Studies: Questions and Answers; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Use of Whole Slide Imaging in Nonclinical Toxicology Studies: Questions and Answers.'' When final, this guidance will represent FDA's current thinking on the use of whole slide images during good laboratory practice (GLP)-compliant toxicology studies using non-human specimens. When whole slide images are used as part of a nonclinical study conducted in compliance with the GLP regulations, adequate documentation is critical. Documentation practices during generation, use, and retention of whole slide images have not been clearly defined and vary among nonclinical testing facilities. This question-and-answer document is intended to clarify FDA's recommendations concerning the management, documentation, and use of whole slide images in histopathology assessment and/or pathology peer review for nonclinical studies conducted in compliance with the GLP regulations.

DATES: Submit either electronic or written comments on the draft guidance by June 7, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–1268 for ''Use of Whole Slide Imaging in Nonclinical Toxicology Studies: Questions and Answers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002 or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Tahseen Mirza, Office of Study Integrity and Surveillance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2211, Silver Spring, MD 20993, 301–796–7645; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911; Judy Davis, Office of Device Evaluation, Center for Devices and

Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2220, Silver Spring, MD 20993, 301–796–6636; Hilary Hoffman, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rm. 389, Rockville, MD 20855, 240–402–8406; Yuguang Wang, Office of the Center Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., Rm. 4A012, College Park, MD 20740, 240–402–1757; Hans Rosenfeldt, Office of Science, Center for Tobacco Products, Food and Drug Administration, 11785 Beltsville Dr., Calverton Tower, Rm. 5322, Beltsville, MD 20705, 301–796–2202; Eric S. Myskowski, Division of Operational Policy, Office of Regulatory Affairs, Food and Drug Administration, District Office—Minneapolis, 250 Marquette Ave., Minneapolis, MN 55401, 612–758–7187.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Use of Whole Slide Imaging in Nonclinical Toxicology Studies: Questions and Answers.'' The histopathological assessment of tissue samples is one of the key activities conducted during GLP-compliant nonclinical laboratory studies. Commonly, the histopathological assessment includes an initial evaluation of glass histology slides by the study pathologist and a subsequent review (referred to as pathology peer review) by a second pathologist, group of pathologists, or Pathology Working Group. The current regulations include general requirements for histopathology evaluation (*e.g.,* standard operating procedures), but the use of whole slide images in lieu of glass slides is not specifically addressed. This guidance provides information to sponsors and nonclinical laboratories regarding the management, documentation, and use of whole slide images during histopathology assessment and/or pathology peer review performed for GLP-compliant nonclinical toxicology studies using non-human specimens.

When whole slide images are used in lieu of glass slides as part of a nonclinical study conducted in compliance with the GLP regulations adequate documentation is critical. Documentation practices during whole slide imaging generation and use have not been clearly defined and vary among nonclinical testing facilities. This question-and-answer document is intended to clarify FDA's recommendations concerning the management, documentation, and use of whole slide imaging in histopathology assessment and/or pathology peer review for nonclinical studies conducted in compliance with the GLP regulations. Use of whole slide images in casual consultations, opinion exchanges, and mentoring among pathologists are not covered by this guidance document.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Use of Whole Slide Imaging in Nonclinical Toxicology Studies: Questions and Answers.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 58 regarding the good laboratory practice requirements for nonclinical laboratory studies have been approved under OMB control number 0910–0119.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.regulations.gov.*

Dated: April 1, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–07511 Filed 4–7–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–D–1158]

Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of the draft guidance entitled ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' As more medical devices are becoming interconnected, cybersecurity threats have become more numerous, more frequent, more severe, and more clinically impactful. As a result, ensuring medical device safety and effective includes adequate medical device cybersecurity, as well as its security as part of the larger system. In 2018, FDA proposed updates to the final guidance, ''Content of Premarket Submissions for Management of Cybersecurity in Medical Devices,'' and issued a draft guidance of the same name. This draft guidance replaces the 2018 draft guidance. This draft guidance is intended to further emphasize the importance of ensuring that devices are designed securely, are designed to be capable of mitigating emerging cybersecurity risks throughout the Total Product Life Cycle, and to clearly outline FDA's recommendations for premarket submission content to address cybersecurity concerns. This draft guidance is not final nor is it for implementation at this time.

DATES: Submit either electronic or written comments on the draft guidance by July 7, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to

the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–D–1158 for ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the draft guidance document entitled ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002 or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Suzanne Schwartz, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5410, Silver Spring, MD 20993–0002, 301–796–6937; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

The need for effective cybersecurity to reasonably ensure medical device safety and effectiveness has become more important with the increasing use of wireless, internet- and network-connected devices, portable media (*e.g.,* USB or CD), and the frequent electronic exchange of medical device-related health information. In addition, cybersecurity threats to the healthcare sector have become more frequent, more severe, and carry increased potential for clinical impact. Cybersecurity incidents have rendered medical devices and hospital networks inoperable, disrupting the delivery of patient care across healthcare facilities in the United States and globally. Such cyber attacks and exploits can delay diagnoses and/or treatment and may lead to patient harm.

Although FDA issued guidance providing recommendations for device cybersecurity information in premarket submissions in 2014,[1] the rapidly evolving landscape, and the increased understanding of the threats and their potential mitigations, necessitate an updated approach. As such, FDA issued a draft guidance in 2018 entitled ''Content of Premarket Submissions for Management of Cybersecurity in Medical Devices.''

Given the rapidly evolving device cybersecurity landscape, FDA is issuing this draft guidance, which replaces the 2018 draft guidance, to further emphasize the importance of ensuring that devices are designed securely, are designed to be capable of mitigating emerging cybersecurity risks throughout the Total Product Life Cycle, and to clearly outline FDA's recommendations for premarket submission content to address cybersecurity concerns, including device labeling. These recommendations can facilitate an efficient premarket review process and help ensure that marketed medical devices are sufficiently resilient to cybersecurity threats.

This draft guidance supplants the draft guidance entitled, ''Content of Premarket Submissions for Management of Cybersecurity in Medical Devices'' issued October 18, 2018, and takes into consideration comments received on the 2018 draft guidance (83 FR 52835;

[1] Content of Premarket Submissions for Management of Cybersecurity in Medical Devices—Guidance for Industry and Food and Drug Administration Staff at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/content-premarket-submissions-management-cybersecurity-medical-devices-0.*

https://www.govinfo.gov/content/pkg/FR-2018-10-18/pdf/2018-22697.pdf) and input gained from the public workshop entitled, ''Content of Premarket Submissions for Management of Cybersecurity in Medical devices'' held on January 29–30, 2019.[2] Several changes were made in this draft guidance, including a change in title to better capture the scope of the current draft guidance, document structure change to align with use of a Secure Product Framework, removal of risk tiers, replacement of the Cybersecurity Bill of Materials with Software Bill of Materials, additional clarification regarding premarket submission document requests throughout the draft guidance, and addition of Investigational Device Exemptions to the scope.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This draft guidance is also available at *https://www.regulations.gov* and at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances.* Persons unable to download an electronic copy of ''Cybersecurity in Medical Devices: Quality System Considerations and Content of Premarket Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1825–R1 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations, guidance, and forms have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
860, subpart D	De Novo classification process	0910–0844
''Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff''.	Q-submissions	0910–0756
800, 801, and 809	Medical Device Labeling Regulations	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073

Dated: April 5, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–07614 Filed 4–7–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–P–0077]

Determination That NASONEX (Mometasone Furoate) Nasal Spray, 0.05 Milligram/Spray (50 Microgram), Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that NASONEX (mometasone furoate) nasal spray, 0.05 milligram (mg)/spray (50 microgram (mcg)), was not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Sungjoon Chi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6216, Silver Spring, MD 20993–0002, 240–402–9674, *Sungjoon.Chi@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) Has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

[2] *https://wayback.archive-it.org/7993/20201222110245/https://www.fda.gov/medical-devices/workshops-conferences-medical-devices/public-workshop-content-premarket-submissions-management-cybersecurity-medical-devices-january-29-30.*

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg), is the subject of NDA 020762, held by Organon LLC, and initially approved on October 1, 1997. NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg) is a corticosteroid indicated for:

- Treatment of nasal symptoms of allergic rhinitis in patients 2 years of age and older;
- treatment of nasal congestion associated with seasonal allergic rhinitis in patients 2 years of age or older;
- prophylaxis of seasonal allergic rhinitis in patients 12 years of age or older; and
- treatment of nasal polyps in patients 18 years of age or older.

In a letter dated December 4, 2020, Merck Sharp and Dohme Corp., a subsidiary of Merck and Co., Inc., notified FDA that NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg) was being discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

Aurobindo Pharma Ltd. submitted a citizen petition dated January 14, 2022 (Docket No. FDA–2022–P–0077), under 21 CFR 10.30, requesting that the Agency determine whether NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg), was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg) was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg) was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg) from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list NASONEX (mometasone furoate) nasal spray, 0.05 mg/spray 50 (mcg), in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: April 4, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–07563 Filed 4–7–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Information (RFI): 2022 HHS Environmental Justice Strategy and Implementation Plan Draft Outline

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Notice of request for information.

SUMMARY: The Department of Health and Human Services (HHS) is issuing this Request for Information (RFI) to receive input from the public on HHS' draft outline to further the development of the 2022 Environmental Justice Strategy and Implementation Plan. Consistent with the policy of this administration directing HHS to make achieving environmental justice part of its mission, HHS would like to identify priority actions and strategies to best address environmental injustices and health inequities for people of color, disadvantaged, vulnerable, low-income, marginalized, and indigenous populations. With the engagement of and input from the public, the 2022 Environmental Justice Strategy and Implementation Plan will serve as a guide to confront environmental and health disparities and implement a multifaceted approach that will serve vulnerable populations and communities disproportionately impacted by environmental burdens.

DATES: To be assured consideration, comments must be received at the email address provided below, no later than midnight Eastern Time (ET) on May 19, 2022. HHS will not reply individually to responders but will consider all comments submitted by the deadline. Do not provide confidential information as comments may be published or otherwise used for agency purposes.

ADDRESSES: Please submit all responses via email to *OASHcomments@hhs.gov* as a Word document or in the body of an email.

FOR FURTHER INFORMATION CONTACT: Dr. LaToria Whitehead, Senior Public Health Analyst, *email: ceq6@cdc.gov, phone:* (770) 488–3633.

SUPPLEMENTARY INFORMATION: The mission of the U.S. Department of Health and Human Services is to enhance the health and well-being of Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. For years studies have demonstrated that people of color and disadvantaged, vulnerable, low-income, marginalized, and indigenous populations are disproportionately burdened by environmental hazards.[1] These populations are often exposed to unhealthy land uses, poor air and water quality, dilapidated housing, lead exposure, and other environmental threats that drive health disparities. Many of these communities are underserved and surrounded by social inequities such as job insecurity, underemployment, linguistic isolation, underperforming schools, noise, crowded homes, lack of access to

[1] Toxic Wastes and Race at Twenty 1987—2007. A Report Prepared for the United Church of Christ Justice & Witness Ministries. Principal Authors: Bullard R, Mohai P, Saha R, Wright B. 2007.

healthy foods and transportation, and limitations on access to and participation in the decision-making processes.[2 3] The combination of environmental risks and social inequities creates a cumulative, disproportionate impact that hinders optimal health and environmental justice for these populations.[4] The Environmental Protection Agency defines Environmental Justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies''.[5]

On January 27, 2021, President Biden directed the Department of Health and Human Services to make achieving environmental justice part of its mission by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental and climate-related and other cumulative impacts on disadvantaged communities.[6] In 1994, President Clinton signed Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,* also directing federal agencies to ''make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.'' Executive Order 12898 required each agency to develop an agency-wide environmental justice strategy specific to that agency's mission. In response, HHS issued its first Environmental Justice Strategy in 1995. Federal environmental justice efforts were reinvigorated in 2010 and in 2012, and again, HHS responded with release of an updated Environmental Justice Strategy and Implementation Plan.[7] Currently, to support the executive order initiatives, and to pursue the Administration's policy priorities for environmental justice, a revised strategy focused on short-term concrete actions, alongside thoughtful long-term planning, is required. OASH has convened and tasked the HHS Environmental Justice Working Group to develop the 2022 HHS Environmental Justice Strategy and Implementation Plan.

The purpose of this Request for Information (RFI) is to seek public comment on the 2022 HHS Environmental Justice Strategy and Implementation Plan *Draft Outline.* The goal of the HHS Environmental Justice Strategy and Implementation Plan is to provide direction for HHS efforts, pursue the Administration's policy priorities and identify priority actions for environmental justice. The draft outline provides a general overview and a platform of how the plan will be structured. Within the outline, each strategic element is aligned to priority actions that HHS will carry out. Please see the *Draft Strategy Outline* below, followed by a request for information in the form of questions to the public.

U.S. Department of Health and Human Services 2022 Environmental Justice Strategy and Implementation Plan Draft Outline

The 2022 HHS Environmental Justice Strategy and Implementation Plan will likely include six interrelated strategic elements that mirror the 2012 HHS Environmental Justice Strategy. The elements include two new strategic elements: (1) Partnerships and Community Engagement and (2) Performance Measures. The additional elements align to Executive Order 12898 to engage and partner with disadvantaged populations in building sustainable and healthy communities and creating performance measures to evaluate the process and the outcomes of activities that address adverse environmental conditions. The six proposed strategic elements are:

(1) *Services*
(2) *Partnerships and Community Engagement*
(3) *Policy Development and Dissemination*
(4) Research and Data Collection, Analysis, and Utilization
(5) Education and Training
(6) Performance Measures

For each strategic element, the 2022 HHS EJ Strategy will include priority actions to be undertaken by designated HHS Operating Divisions and Staff Divisions.

I. Services

- Priority Action(s)
  - Increase linguistic and culturally appropriate outreach to racial and ethnic minority, low-income, and Indigenous populations, and Native American persons with disproportionately high and adverse environmental exposures to raise their awareness of the availability of technical assistance for applying for HHS funding.
  - Expand funding opportunities to disadvantaged communities for economic development and social services.

II. Partnerships and Community Engagement (Public Engagement)

- Priority Action(s)
  - Establish partnerships with disadvantaged communities to assess and address disproportionate environmental exposures and health risks.
  - Partner with offices and departments with Title VI enforcement and compliance responsibilities to address environmental injustices and ensure that disadvantaged communities can effectively participate in and benefit from federally funded public health and social service programs and activities without discrimination.
  - Work with federal partners and various stakeholders to provide coordinated technical assistance and support to programs focused on disadvantaged communities.
  - Promote actions and seek resources to overcome participation barriers such as language and culture.

III. Policy Development and Implementation

- Priority Action(s)
  - Identify and provide technical assistance to HHS programs covered under the Justice40 Initiative to ensure 40 percent of the overall benefits the programs provide flow to disadvantaged communities.
  - Provide home cooling, weatherization, and/or low-cost home energy assistance to communities disproportionately affected by extreme weather events.

[2] Bullard RD, Johnson GS, Torres AO. Environmental Health and Racial Equity in the United States. Building Environmentally Just, Sustainable, and Livable Communities. Washington, DC: American Public Health Association Press. 2011.

[3] Morello-Frosch R, Zuk M, Jerrett M, Shamasunder B. Understanding the Cumulative impacts of inequalities in Environmental Health: Implications for Policy. Health Affairs. 2011.

[4] Cushing L, Morello-Frosch R, Wander M, Pastor M. The Haves, the Have-Nots, and the Health of Everyone: The Relationship Between Social Inequality and Environmental Quality. Annual Review of Public Health. 2015.

[5] U.S. Environmental Protection Agency (EPA). Environmental Justice. Environmental Justice | US EPA.

[6] Executive Order 14008. ''*Tackling the Climate Crisis at Home and Abroad.*'' 86 FR 7619 (January 27, 2021). See *https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad.*

[7] U.S. Department of Health and Human Services (HHS). 2012 Environmental Justice Strategy and Implementation Plan. See 2012 HHS ENVIRONMENTAL JUSTICE STRATEGY AND IMPLEMENTATION PLAN.

- Fund and implement training and workforce development programs that build skills and careers related to climate, natural disasters, environment, clean energy, clean transportation, housing, water and wastewater infrastructure, and legacy pollution reduction.

IV. Research and Data Collection, Analysis, Utilization

○ Priority Action(s)

- Support research that explores the multiple and complex factors contributing to minority health disparities, including but not limited to environmental factors acting independently or dependently across multiple social levels.
- Support the spectrum of community engaged research including community-based participatory research and community led research. Additionally, strengthen authentic community engagement in planning, implementing, evaluating, and disseminating effective interventions for diseases disproportionately affecting disadvantaged communities and vulnerable populations.
- Coordinate the design, dissemination, and utilization of an environmental justice and social vulnerability data dashboard and index, for identifying, tracking, and addressing environmental burden and health inequities in disadvantaged communities.
- Report research data to communities using culturally appropriate and accessible methods.

V. Education and Training

○ Priority Action(s)

- Provide data, training, and technical assistance to disadvantaged communities and vulnerable populations at higher risk for exposure to harmful environmental and health hazards.
- Deliver comprehensive training to increase opportunities for individuals from disadvantaged, overburdened, and underserved communities to obtain careers in environmental cleanup, construction, hazardous waste removal, and emergency response.
- Develop guidance and templates to assist states and tribes in the communication of environmental and health risks to households and communities.
- Develop environmental justice training programs for Federal staff, primary health care and public health professionals, and policy and other decision-makers.

VI. Performance Measures (Evaluation)

○ Priority Action(s)

- Develop milestones and provide periodic progress to demonstrate accountability and progress.

HHS is requesting information from the public regarding the following questions:

Environmental Justice Core Principles

1. What *Environmental Justice Core Principles* should be included in the HHS EJ Strategy to advance environmental justice for disadvantaged communities?

2. How should HHS incorporate *Environmental Justice Core Principles* in the HHS EJ Strategy?

Strategic Elements

1. Do the *Strategic Elements* reflect relevant areas of environmental justice that address the needs of disadvantaged communities?

2. Are there additional *Strategic Elements* that should be included in the HHS EJ Strategy?

Priority Actions

1. Do the *Priority Actions* capture the urgent, environmental justice issues of today?

2. If not, what additional *Priority Actions* should be included within the HHS EJ Strategy?

Research and Data Tools

1. What research methods, research questions, and data tools should HHS use to address environmental justice and social determinants of health?

Additional Information

1. What other strategies can be included within the 2022 HHS Environmental Justice Strategy and Implementation Plan to address environmental justice and health equity issues for disadvantaged populations?

HHS encourages all potentially interested parties—individuals, associations, governmental, non-governmental organizations, academic institutions, and private sector entities—to respond. HHS is interested in the questions listed above, but respondents are welcome to address as many or as few as they choose and to address additional areas of interest not listed. To facilitate review of the responses, please reference the question category and number in your response.

Arsenio Mataka,

Senior Advisor, Office of the Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 2022–07514 Filed 4–7–22; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

RIN 0917–AA21

Reimbursement Rates for Calendar Year 2022

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: Notice is provided that the Acting Director of the Indian Health Service (IHS) has approved the rates for inpatient and outpatient medical care provided by the IHS facilities for Calendar Year 2022.

SUPPLEMENTARY INFORMATION: The Acting Director of the Indian Health Service (IHS), under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248 and 249(b)), Public Law 83–568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 *et seq.*), has approved the following rates for inpatient and outpatient medical care provided by IHS facilities for Calendar Year 2022 for Medicare and Medicaid beneficiaries, beneficiaries of other federal programs, and for recoveries under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653). The inpatient rates for Medicare Part A are excluded from the table below. That is because Medicare inpatient payments for IHS hospital facilities are made based on the prospective payment system, or (when IHS facilities are designated as Medicare Critical Access Hospitals) on a reasonable cost basis. Since the inpatient per diem rates set forth below do not include all physician services and practitioner services, additional payment shall be available to the extent that those services are provided.

Inpatient Hospital per Diem Rate (Excludes Physician/Practitioner Services)

Calendar Year 2022

Lower 48 States: $4,239

Alaska: $3,583

Outpatient per Visit Rate (Excluding Medicare)

Calendar Year 2022

Lower 48 States: $640

Alaska: $945

Outpatient per Visit Rate (Medicare)

Calendar Year 2022

Lower 48 States: $541

Alaska: $792

Medicare Part B Inpatient Ancillary per Diem Rate

Calendar Year 2022

Lower 48 States: $813

Alaska: $1,138

Outpatient Surgery Rate (Medicare)

Established Medicare rates for freestanding Ambulatory Surgery Centers.

Effective Date for Calendar Year 2022 Rates

Consistent with previous annual rate revisions, the Calendar Year 2022 rates will be effective for services provided on or after January 1, 2022, to the extent consistent with payment authorities, including the applicable Medicaid State plan.

Elizabeth A. Fowler,

Acting Director.

[FR Doc. 2022–07468 Filed 4–7–22; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors Chairs Meeting, Office of the Director, National Institutes of Health.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Board of Scientific Counselors Chairs Meeting, National Institutes of Health.

Date: May 13, 2022.

Time: 10:00 a.m. to 1:00 p.m., ET.

Agenda: The meeting will include a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work.

Place: National Institutes of Health, 1 Center Drive, Building 1, Room 160, Bethesda, MD 20892 (Zoom Meeting).

This meeting is a virtual meeting via Zoom and can be accessed at: *https://nih.zoomgov.com/j/1613598713?pwd=YnhrSjhIR1NGTEFJcXA0NWFXU044UT09.*

Meeting ID: 161 359 8713.

Passcode: 079376.

Dial by your location:

+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US

Join by SIP: sip:*1613598713@sip.zoomgov.com.*

Contact Person: Margaret McBurney, Management Analyst, Office of the Deputy Director for Intramural Research, National Institutes of Health, 1 Center Drive, Room 160, Bethesda, MD 20892–0140, (301) 496–1921, *mmcburney@od.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number, and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Office of the Intramural Research home page: *http://sourcebook.od.nih.gov/.*

Dated: April 5, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07552 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; Research Centers in Minority Institutions (RCMI) (U54 Clinical Trials Optional).

Date: May 11–12, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maryline Laude-Sharp, Ph.D., Scientific Review Officer, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Ste. 525, MSC. 9206, Bethesda, MD 20892, 301–451–9536, *mlaudesharp@mail.nih.gov.*

Name of Committee: National Institute on Minority Health and Health Disparities Special Emphasis Panel; NIMHD Mentored Career and Research Development Awards (Ks).

Date: June 30–July 1, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Gateway Plaza, 7201 Wisconsin Ave., Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Deborah Ismond, Ph.D., Scientific Review Officer, Office of Extramural Research Administration, National Institute on Minority Health and Health Disparities, National Institutes of Health, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–1366, *ismonddr@mail.nih.gov.*

Dated: April 4, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07516 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIAMS.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAMS.

Date: May 3–4, 2022.

Time: May 03, 2022, 2:00 p.m. to 6:30 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, 10 Center Drive, Bethesda, MD 20892 (Virtual Meeting).
Time: May 04, 2022, 10:30 a.m. to 5:25 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, 10 Center Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: John J. O'Shea, MD, Scientific Director, National Institute of Arthritis & Musculoskeletal and Skin Diseases, Building 10, Bethesda, MD 20892, (301) 496–2612, *osheaj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 5, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07560 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meeting of the Biomedical Informatics, Library and Data Sciences Review Committee.

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 materials, 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: Biomedical Informatics, Library and Data Sciences Review Committee (BILDS).
Date: June 16, 2022.
Time: 11:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Contact Person: Zoe E. Huang, MD, Chief Scientific Review Officer, Scientific Review Office, Extramural Programs, National Library of Medicine, National Institutes of Health (NIH), 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 5, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07559 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 NCBIB Review F–SEP.
Date: July 8, 2022.
Time: 9:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Dennis Hlasta, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Bethesda, MD 20892, (301) 451–4794, *dennis.hlasta@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: April 5, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07556 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials, 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 Library of Medicine Special Emphasis Panel; COI–K99 Curation/R01.
Date: July 14, 2022.
Time: 11:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Video Assisted Meeting.
Contact Person: Jan Li, M.D., Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–496–3114, *lij21@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 5, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07555 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

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 materials,

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 Library of Medicine Special Emphasis Panel; Scholarly Works G13.

Date: June 24, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Video Assisted Meeting.

Contact Person: Jan Li, M.D., Ph.D., Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 500, Bethesda, MD 20892–7968, 301–496–3114, *lij21@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: April 5, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07554 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public by videocast as indicated below.

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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering NACBIB, May 2022.

Date: May 17, 2022.

Open: 12:00 p.m. to 3:45 p.m.

Agenda: Report from the Institute Director, Council Members and other Institute Staff.

Place: National Institutes of Health, Democracy II, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Democracy II, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David T. George, Ph.D., Associate Director for Research Administration, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 920, Bethesda, MD 20892, *georged@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nibib.nih.gov/about-nibib/advisory-council,* where an agenda and any additional information for the meeting will be posted when available.

Dated: April 5, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–07557 Filed 4–7–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2021–N175; FXES11140800000–212–FF08EVEN00]

Endangered and Threatened Wildlife and Plants; Draft Habitat Conservation Plan and Draft Categorical Exclusion for the California Red-Legged Frog and the Southwestern Pond Turtle; Tajiguas Landfill and ReSource Center Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion (CatEx) for activities associated with an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The ITP would authorize take of the California red-legged frog and southwestern pond turtle incidental to activities associated with the operations, maintenance, and closure of the Tajiguas Landfill and ReSource Center in Santa Barbara County, California. The applicant developed the draft HCP as part of their application for an ITP. The Service prepared a draft low-effect screening form and environmental action statement in accordance with the National Environmental Policy Act to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

DATES: Written comments should be received on or before May 9, 2022.

ADDRESSES:

Obtaining Documents: You may download a copy of the draft HCP and draft CatEx at *https://regulations.gov/,* or you may request copies of the documents by U.S. mail (below) or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Email: kirby_bartlett@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Kirby Bartlett, Fish and Wildlife Biologist, by email (see **ADDRESSES**), via phone at (805) 677–3307, via the Federal Relay Service at 1–800–877–8339 for TTY assistance, or by mail (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft habitat conservation plan (HCP) and draft low-effect screening form and environmental action statement for activities associated with an application for an incidental take permit (ITP) under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The ITP would authorize take of the California red-legged frog (*Rana draytonii*) and Southwestern pond turtle incidental to activities associated with continued operation of the Tajiguas Landfill including regular operations, maintenance and repair activities; operation and maintenance of the ReSource Center; construction of ancillary components of the ReSource Center; and closure and post closure maintenance of the Tajiguas Landfill. The applicant developed the draft HCP as part of their application for an ITP. The Service prepared a draft low-effect screening form and environmental

action statement in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on all of these documents.

Background

The Service listed the California red-legged frog as threatened on May 23, 1996 (61 FR 25813). The Service is currently evaluating southwestern pond turtle for listing following the filing of a petition to list this species (80 **Federal Register** [FR] 19259, April 10, 2015), and southwestern pond turtle is a California state species of special concern. Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under the ESA, ''take'' is defined to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5)).

Proposed Activities

The applicant has applied for a permit for incidental take of California red-legged frog and southwestern pond turtle. The take would occur in association with the operations, maintenance, and closure of the Tajiguas Landfill and ReSource Center in Santa Barbara County, California.

The HCP includes avoidance and minimization measures for the California red-legged frog and southwestern pond turtle and mitigation for unavoidable loss of habitat. As mitigation, the applicant proposes to protect 110-s of otherwise developable land adjacent to the Tajiguas Landfill with a conservation easement. The proposed conservation easement area is comprised of aquatic, adjacent upland, and dispersal habitat within California red-legged frog Critical Habitat Unit STB–6; including 3,500 linear feet of occupied California red-legged frog and southwestern pond turtle breeding habitat within Arroyo Quemado drainage.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Stephen Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2022–07579 Filed 4–7–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033684; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Museum at the address in this notice by May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK, that meets the definition of an unassociated funerary object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1941, one unassociated funerary object—a metal ring—was removed from a burial at the Clement 1 site (34Mc8) in McCurtain County, OK. The metal ring was recovered during excavations carried out by the Works Progress Administration in 1941 and was transferred to the Museum sometime that year.

Although the Clement 1 site (34Mc8) includes a pre-contact component, the ring was interred during a reoccupation of the site sometime after the 1700s. Based on archeological, geographical, and historical evidence, as well as oral history and information gained through tribal consultation, the ring and associated burial most likely are culturally affiliated with The Choctaw Nation of Oklahoma.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of

the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary object and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu,* by May 9, 2022. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to The Choctaw Nation of Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying The Choctaw Nation of Oklahoma that this notice has been published.

Dated: April 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–07605 Filed 4–7–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033683; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Presbyterian Historical Society, Philadelphia, PA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Presbyterian Historical Society, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of both a sacred object and an object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Presbyterian Historical Society. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Presbyterian Historical Society at the address in this notice by May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Nancy J. Taylor, Executive Director, Presbyterian Historical Society, 425 Lombard Street, Philadelphia, PA 19147, telephone (215) 627–1852, email *ntaylor@history.pcusa.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Presbyterian Historical Society, Philadelphia, PA, that meets the definition of both a sacred object and an object of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

The Presbyterian Historical Society (PHS) holds in its museum collection a ''[c]onch shell used by David Brainerd to call Native Americans to worship'' (accession number 638).

David Brainerd (1718–1747) was an ordained Presbyterian minister who served as a missionary to Mohican, Stockbridge, and Delaware Indians in New York, Pennsylvania, and New Jersey from 1743 to 1746. According to PHS records, PHS acquired the conch shell sometime in the late nineteenth century from Sarah E. Marsh, daughter of Reverend Cutting Marsh, with Reverend William P. Breed acting as intermediary. In 1830, Cutting Marsh (1800–1873), a Presbyterian, began missionary work among the Stockbridge in Wisconsin. The one sacred object/object of cultural patrimony is a large conch shell.

According to information provided by the Stockbridge Munsee Community, Wisconsin, the conch shell is an object of cultural patrimony as well as a sacred object. Relying on oral tradition and supported by evidence in written accounts, the Stockbridge Munsee Community, Wisconsin posits that Mohican Sachem John Metoxan blew the conch shell for worship. Metoxan led 80 Stockbridge-Munsee Community ancestors west to Indiana in 1818 and joined the majority of the community in Wisconsin in 1822. He became sachem in 1830, the same year Reverend Cutting Marsh began his missionary work in Wisconsin.

Determinations Made by the Presbyterian Historical Society

Officials of the Presbyterian Historical Society have determined that:

• Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and object of cultural patrimony and the Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Nancy J. Taylor, Executive Director Presbyterian Historical Society, 425 Lombard Street, Philadelphia, PA 19147, telephone (215) 627–1852, email *ntaylor@history.pcusa.org,* by May 9, 2022. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the Stockbridge Munsee Community, Wisconsin may proceed.

The Presbyterian Historical Society is responsible for notifying the Stockbridge Munsee Community, Wisconsin that this notice has been published.

Dated: April 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–07604 Filed 4–7–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033682; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: The University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of California, Berkeley, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the University of California, Berkeley. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the University of California, Berkeley at the address in this notice by May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Torma, University of California, Berkeley; 200 California Hall, Berkeley, CA 94720 telephone (510) 672–5388, email *t.torma@berkeley.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the University of California, Berkeley, in Berkeley, CA, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In December of 1949, 28 cultural items were removed from the Sulphur Bank Round House in Lake County, CA, when Francis Riddell and Thomas Meighan visited Sulfur Bank with the intention of purchasing Sarah Brigham's Big Head Regalia. Sarah Brigham was a Maru or A'bqo, who used the regalia during traditional religious ceremonies. Riddell and Meighan reported that, John Kelsey, the leader of the dance house, informed them the items were now in the possession of Sarah Brigham's son, Tom Morinda. According to the testimony of Fritz Riddell, they paid $25.00 to bail Tom Morinda out of prison in exchange for the items, which were almost immediately accessioned into the collection. On December 12, 2021, Bonny Morinda and her son, Robert Geary, requested the return of these 28 items. They presented evidence to show that they are the direct lineal descendants of Sarah Brigham and Tom Morinda, they are present day adherents of the Big Head Ceremony, Robert Geary is a present-day Maru or A'bqo, and these items are needed for the practice of the ceremony.

The 28 sacred objects are one lot of spines, one lot of bandoliers, one lot of feathers, one lot of flags, one lot of hairpins, one lot of skirts, one lot of whistles, one set of arrows, one quiver, one awl, one belt, one blue cloth, one bow, one choker, one cloth, one feather blind, one lot of head nets, one headdress, one headdress foundation, one headdress ring, one top knot, one visor, one lot of necklaces, one ribbon, one lot of pendants, one rattle, one repair kit, and one tule necklace.

Determinations Made by the University of California, Berkeley

Officials of the University of California, Berkeley have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the 28 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.
- Pursuant to 25 U.S.C. 3005(a)(5)(A) and 43 CFR 10.2(b)(1), Bonny Morinda and Robert Geary are the direct lineal descendants of the individuals who owned the sacred objects.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Thomas Torma, University of California, Berkeley; 200 California Hall, Berkeley, CA 94720 telephone (510) 672–5388, email *t.torma@berkeley.edu,* by May 9, 2022. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to Bonny Morinda and Robert Geary may proceed.

The University of California, Berkeley is responsible for notifying Bonny Morinda, Robert Geary, and the Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California that this notice has been published.

Dated: April 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–07603 Filed 4–7–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033685; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum at the address in this notice by May 9, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK. The human remains and associated funerary objects were removed from McCurtain County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of the Quapaw Nation [*previously* listed as The Quapaw Tribe of Indians] and The Choctaw Nation of Oklahoma.

History and Description of the Remains

In 1941, human remains representing, at minimum, one individual were removed from the Clement 1 site (34Mc8) in McCurtain County, OK. This mound and midden site was excavated in 1941 by the Works Progress Administration and the excavated materials were transferred to the Museum the same year. The human remains—a complete skeleton—belong to a middle-aged adult male, 35–60 years old. No known individual was identified. The 56 associated funerary objects include 20 faunal bone fragments, nine glass buttons, one whiteware ceramic sherd, 10 iron cut nail fragments, and 16 unidentified iron fragments.

The Clement 1 site (34Mc8) includes both historic and prehistoric components. The human remains and associated funerary objects in this notice all belong to the historic period. Archeological study of diagnostic artifacts and faunal materials indicate the human remains and associated funerary objects were interred during a reoccupation of the site sometime after the 1700s. Based on archeological, geographical, and historical evidence, as well as information gained through tribal consultation, the burial and associated funerary objects are most likely culturally affiliated with The Choctaw Nation of Oklahoma.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 56 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu,* by May 9, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Choctaw Nation of Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying the Quapaw Nation [*previously* listed as The Quapaw Tribe of Indians] and The Choctaw Nation of Oklahoma that this notice has been published.

Dated: April 1, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–07606 Filed 4–7–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Laboratory Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Laboratory Division, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until June 7, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Dr. JoAnn Buscaglia, Research Chemist, Laboratory Division, Federal Bureau of Investigation, 2501 Investigation Parkway, Quantico, VA 22135, *LPBB22@fbi.gov,* 703–632–7856.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

➢ Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Laboratory Division, Federal Bureau of Investigation, including whether the information will have practical utility;

➢ Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

➢ Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; and

➢ Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New collection.

2. *The Title of the Form/Collection:* Latent Print Examiner Black Box Study 2022.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Laboratory Division, Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public will consist of U.S. Federal, state, local, and tribal government employees, and contractors for these government agencies (''business or other non-profit'').

Abstract: This study is being conducted to measure the accuracy and reproducibility of latent print examiners' decisions when comparing latents to known fingerprints acquired by a search of the FBI NGI system, and to compare these results with those from published studies using the FBI IAFIS. Respondents will be latent fingerprint examiners (employees and contractors) from U.S. Federal, state, local, and tribal governments.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 250 respondents is anticipated, though the research study will be open to all practicing latent fingerprint examiners from U.S. Federal, state, local, and tribal governments. Individuals will work at their own paces, but the project was scaled for an average of 12 hours total per individual to respond to the collection.

6. *An estimate of the total public burden (in hours) associated with the collection:* 3,000 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 5, 2022.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–07558 Filed 4–7–22; 8:45 am]

BILLING CODE 4410–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2022–040]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: We have submitted a request to the Office of Management and Budget (OMB) for approval to continue to use a currently approved information collection, 3095–0060, Volunteer Service Application (NA Form 6045), used by individuals who wish to volunteer at the National Archives Building, the National Archives at College Park, regional records services facilities, and Presidential libraries. We invite you to comment on this proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: OMB must receive written comments on or before May 9, 2022.

ADDRESSES: Send any comments and recommendations on the proposed information collection in writing to *www.reginfo.gov/public/do/PRAMain.* You can 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: Tamee Fechhelm, Paperwork Reduction Act Officer, by email at *tamee.fechhelm@nara.gov* or by telephone at 301.837.1694 with any requests for additional information.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we invite the public and other Federal agencies to comment on proposed information collections. We published a notice of proposed collection for this information collection on February 2, 2022 (87 FR 5841) and we received no comments. We are therefore submitting the described information collection to OMB for approval.

If you have comments or suggestions, they should address one or more of the following points: (a) Whether the proposed information collection is necessary for NARA to properly perform its functions; (b) our estimate of the burden of the proposed information collection and its accuracy; (c) ways we could enhance the quality, utility, and clarity of the information we collect; (d) ways we could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether this collection affects small businesses.

All comments will become a matter of public record.

In this notice, we solicit comments concerning the following information collection:

Title: Volunteer Service Application.

OMB number: 3095–0060.

Agency form numbers: NA Form 6045 (Volunteer Service Application).

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 500.

Estimated time per response: 25 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 208 hours.

Abstract: We use volunteer resources to enhance our services to the public and to further our mission of providing ready access to essential evidence. Volunteers assist in outreach and public programs and provide technical and research support for administrative, archival, library, and curatorial staff, as well as other programs. We use a standard form for volunteers to apply and to assess the qualifications of potential volunteers. Members of the public who are interested in being a NARA volunteer use NA Form 6045, to signal their interest and to identify their qualifications for the work. Once we have selected someone as a volunteer, they fill out NA Form 6045a, Standards of Conduct for Volunteers, NA Form 6045b, Volunteer or Intern Emergency and Medical Consent, and NA Form 6045c, Volunteer or Intern Confidentiality Statement.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2022–07578 Filed 4–7–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–22–0007; NARA–2022–038]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by May 23, 2022.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-22-0007/document.* This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov,* you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

Due to COVID–19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov,* you may contact *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of the Army, Agency-wide, Human Resources Command Enterprise Data Warehouse (DAA–AU–2020–0029).
2. Department of Energy, Agency-wide, Employee Management Records (DAA–0434–2020–0010).

3. Department of Energy, Agency-wide, Employee Relations Records (DAA–0434–2020–0012).
4. Department of Justice, Federal Bureau of Investigation, Foreign Terrorist Tracking Task Force Data Mart (DAA–0065–2020–0003).
5. Department of the Treasury, Internal Revenue Service, Exempt Organization Correspondence Case Data (DAA–0058–2021–0008).
6. Central Intelligence Agency, Agency-wide, Employee Biographic Records (DAA–0263–2021–0010).
7. Central Intelligence Agency, Agency-wide, Technical Collection Records (DAA–0263–2021–0011).
8. Court Services and Offender Supervision Agency, Pretrial Services Agency for the District of Columbia, Office of Forensic Technology Services Lab Management Activities Records (DAA–0562–2021–0030).
9. National Archives and Records Administration, Government-wide, GRS 2.3 Employee Relations Records (DAA–GRS–2022–0001).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022–07460 Filed 4–7–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Services

[NARA–2022–039]

Chief Freedom of Information Act Officers Council Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA), and Office of Information Policy (OIP), Department of Justice (DOJ).

ACTION: Notice of meeting.

SUMMARY: We are announcing a meeting of the Chief Freedom of Information Act (FOIA) Officers Council, co-chaired by the Director of OGIS and the Director of OIP.

DATES: The meeting will be on Thursday, April 21, 2022, from 10:00 a.m. to 12:00 noon EST. Please register for the meeting no later than 11:59 p.m. EST on Tuesday, April 19, 2022 (registration information is detailed below).

ADDRESSES: The April 21, 2022, meeting will be a virtual meeting. We will send access instructions to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Martha Murphy, by email at *ogis@nara.gov* with the subject line ''Chief FOIA Officers Council,'' or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION: This meeting is open to the public in accordance with the Freedom of Information Act (5 U.S.C. 552(k)). Additional details about the meeting, including the agenda, will be available on OGIS's website at *https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council* and OIP's website at *https://www.justice.gov/oip/chief-foia-officers-council.*

Procedures: This virtual meeting is open to the public. You must register through Eventbrite at *https://www.eventbrite.com/e/chief-foia-officers-council-meeting-april-21-2022-tickets-311205432827* in advance if you wish to submit oral statements. You must include an email address so that we can provide you access information. We will also live-stream the meeting on the National Archives' YouTube channel at *https://www.youtube.com/watch?v=1pgQqhwMU9I* and include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *ogis@nara.gov* or call 202–741–5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Martha Murphy (contact information listed above).

Alina M. Semo,

Director, Office of Government Information Services.

[FR Doc. 2022–07536 Filed 4–7–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Notice of the Networking and Information Technology Research and Development Program 30th Anniversary Symposium

AGENCY: Networking and Information Technology Research and Development (NITRD) Program National Coordination Office (NCO), National Science Foundation.

ACTION: Notice of NITRD 30th Anniversary Symposium.

SUMMARY: The NITRD Subcommittee will hold a symposium to mark the 30th anniversary of the signing of the High-Performance Computing (HPC) Act of 1991 and the launching of the High-Performance Computing and Communications Program, now known as the NITRD Program. The NITRD 30th-Anniversary Symposium will bring together leading experts from the government, academic, and private sectors to both mark NITRD's past accomplishments and look to the future. The full-day agenda includes speakers and panels in areas such as artificial intelligence and machine learning, networking and security, privacy and the Internet of Things, computing at scale, and how technology can benefit society. As a group, they will present the latest advances and discuss where research is headed. In-person attendance is by invite only, but the public is invited to view the livestream symposium. Registration is required for livestream participation.

DATES: May 25, 2022, 9:00 a.m.–5:00 p.m. (ET).

ADDRESSES: The in-person attendance to the Symposium is by invitation only; virtual attendance will be available through livestream.

Instructions: Registration is required for virtual attendance. The agenda and information about how to register and livestream the Symposium will be available the week of the event at: *https://www.nitrd.gov/30th-anniversary-of-the-nitrd-program/.* For more information about the NITRD Program, please visit our website: *https://www.nitrd.gov/about/.*

FOR FURTHER INFORMATION CONTACT: Diana Weber at *nco@nitrd.gov* or call 202–459–9684. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background: Thirty years ago, Congress recognized the importance of advancing Federal investment in HPC and established a mechanism by which the Federal Government could maximize and coordinate its HPC research and development (R&D) investments. The HPC Act of 1991 has expanded in scope and evolved over the years into the NITRD Program, with 25 Federal member agencies and 60 participating agencies. In fiscal year 2021, Federal agencies are investing approximately $7 billion in NITRD-related R&D.

One of the key parts of the 1991 legislation was to establish a mechanism to lead the coordination and planning of multiagency and multisector HPC R&D to maximize the effectiveness of the Federal Government's R&D investments and the transition of discoveries to societal benefit. This legislation led to America's world leadership in networking and information technology (NIT), which has paid huge dividends, changed our world, and driven prosperity. This vital mission has

expanded over the years to support the Federal Government's role in the thriving US information technology innovation ecosystem that uniquely integrates expertise and resources spanning the Federal Government, academia, and private industry. Currently, NITRD coordinates Federal agencies' R&D across critical computing- and IT-related topics in advanced networking technologies (including wireless), artificial intelligence, big data, cybersecurity, health IT, information integrity, networked physical systems, privacy protection, robotics, and software. Through NITRD, Federal agencies exchange information; collaborate on research activities such as testbeds, workshops, strategic planning, and cooperative solicitations; and focus their R&D resources on common goals of making new discoveries and/or developing new technology solutions to address our Nation's most critical priorities. The Federal role in NIT R&D continues to be crucial as Federal investments have led to many of the key technologies used today. As an example, NITRD-related HPC and IT R&D underpinned U.S. leadership in fighting COVID–19, not only to speed discovery of therapeutics and vaccines but also to support Americans in conducting their education, healthcare, and business remotely wherever possible. Our economy has been driven by successes such as these, ensuring a future that is even brighter than the past. However, there are still many exciting challenges and possibilities ahead, which with continued coordinated investment will allow America to continue to change the world. *The increased national commitment to IT R&D has been reflected in the growth in combined investment requests by NITRD's Federal member agencies from less than $5 million in 1991 to nearly $7.8 billion requested for FY2022.*

The Symposium is organized by the Computing Community Consortium in collaboration with the NITRD NCO and the National Science Foundation. Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on April 4, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–07500 Filed 4–7–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295, 50–304, 72–1037, 50–320, 50–409, 72–046, 50–305, 72–064, 030–39013, 11005620, and 11005897; NRC–2022–0092]

Zion Nuclear Power Station, Units 1 and 2; Three Mile Island Nuclear Station, Unit 2; La Crosse Boiling Water Reactor; Kewaunee Power Station; EnergySolutions, LLC Radioactive Materials License; EnergySolutions, LLC Export Licenses; Consideration of Approval of Indirect Transfer of Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for indirect transfer of licenses; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) received and is considering approval of a license transfer application filed by Energy*Solutions,* LLC (Energy*Solutions*) on December 7, 2021, as supplemented by letter dated March 30, 2022. The application seeks NRC approval of the indirect transfer of Facility Operating License Nos. DPR–39 and DPR–48 for Zion Nuclear Power Station (Zion), Units 1 and 2, respectively, and the general license for the Zion independent spent fuel storage installation (ISFSI); Possession Only License No. DPR–73 for Three Mile Island Nuclear Station, Unit 2 (TMI–2); Possession Only License No. DPR–45 for La Crosse Boiling Water Reactor (La Crosse) and the general license for the La Crosse ISFSI; Renewed Facility Operating License No. DPR–43 for Kewaunee Power Station (KPS) and the general license for the KPS ISFSI; Radioactive Materials License No. 39–35044–01; and Export Licenses XW010/04 and XW018/01, to the extent that these licenses may be held by Energy*Solutions* or its wholly owned subsidiaries at the time of the indirect transfer, from the current principal shareholders of the Energy*Solutions* parent company Rockwell Holdco, Inc. (Rockwell) and other investors to a majority ownership by TriArtisan ES Partners II LP, established by TriArtisan ES Partners, LLC, TriArtisan ES MM LLC, and TriArtisan Capital Advisors LLC (collectively, TriArtisan). The application contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by May 9, 2022. A request for a hearing must be filed by April 28, 2022. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must follow the instructions in Section VI of the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the *Federal Rulemaking Website*:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0092. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jack D. Parrott, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6634, email: *Jack.Parrott@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0092 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0092.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The application, as supplemented, is available in

ADAMS under Package Accession No. ML21344A114 and Accession No. ML22091A275, respectively.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0092 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under 10 CFR 30.34(b), 50.80, 72.50, and 110.50(d) approving the indirect transfer of control of Facility Operating License Nos. DPR–39 and DPR–48 for Zion, Units 1 and 2, respectively, and the general license for the Zion ISFSI; Possession Only License No. DPR–73 for TMI–2; Possession Only License No. DPR–45 for La Crosse and the general license for the La Crosse ISFSI; Renewed Facility Operating License No. DPR–43 for KPS and the general license for the KPS ISFSI; Radioactive Materials License No. 39–35044–01; and Export Licenses XW010/04 and XW018/01, to the extent that these licenses may be held by Energy*Solutions* or its wholly owned subsidiaries at the time of the indirect transfer, from the current principal shareholders of the Energy*Solutions* parent company Rockwell and other investors to a majority ownership by TriArtisan. Rockwell is currently approximately 58 percent owned and controlled by passive investment funds affiliated with Energy Capital Partners GP II, LP and approximately 40 percent owned by passive investment funds affiliated with TriArtisan. As described in the application, as supplemented, through the proposed transaction, passive investment funds affiliated with TriArtisan would acquire majority ownership of Rockwell and governance control.

According to the application, as supplemented, Energy*Solutions* and its wholly owned subsidiaries that hold or may potentially hold the referenced NRC licenses will maintain responsibility for all licensed activities at the facilities, including the responsibility to complete decommissioning and carry out spent nuclear fuel management in accordance with NRC regulations, and the proposed transaction would not affect their organizations or operations, nor would it have any material impact on their existing technical and financial qualifications.

The NRC's regulations at 10 CFR 30.34(b), 50.80, and 72.50 provide that no license, or any right under the license, shall be transferred, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The NRC's regulations at 10 CFR 110.50(d) state that a specific export license may be transferred only with the approval of the Commission. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

There is a pending NRC order approving the transfer of the Zion licenses from the Energy*Solutions* subsidiary, Zion*Solutions,* LLC, to Exelon Generation Company, LLC. There is also a pending NRC order approving the transfer of the KPS licenses from the indirect holder of those licenses, Dominion Nuclear Projects, Inc., to Energy*Solutions.* Therefore, by letter dated March 30, 2022, Energy*Solutions* clarified that any order approving the proposed indirect license transfer should include approval of the transfer of control of the KPS licenses even though they may not be held by Energy*Solutions'* subsidiary Kewaunee Solutions, Inc. at the time of the indirect transfer. Similarly, Energy*Solutions* clarified that any order approving the proposed indirect license transfer should include approval of the transfer of control of the Zion licenses even though they may not be held by Energy*Solutions'* subsidiary Zion*Solutions,* LLC at the time of the indirect transfer. To account for the fact that these licenses may not be indirectly held by Energy*Solutions* at the time of the proposed indirect license transfer, Energy*Solutions* proposed that any order approving the indirect license transfer be subject to conditions to address these circumstances.

On January 21, 2022, the NRC published a notice of consideration of approval of the application in the **Federal Register** (87 FR 3372). One request for a hearing on the application was filed and is pending before the Commission; no comments were filed. The supplemental letter dated March 30, 2022, provided additional information that expanded the scope of the application as originally noticed and, therefore, the NRC is publishing a notice of consideration of approval of the application, as supplemented.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 20 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this

document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 20 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and on the NRC website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate*.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A056) and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details with respect to this application, see the application dated December 7, 2021 (ADAMS Package Accession No. ML21344A114), as supplemented by letter dated March 30, 2022 (ADAMS Accession No. ML22091A275).

VI. Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Any person who desires access to proprietary, confidential commercial information that has been redacted from the application should contact the applicant by telephoning Gerard P. van Noordennen, Senior Vice President Regulatory Affairs, Energy*Solutions,* LLC, 121 West Trade Street, Charlotte, North Carolina 28202, at 860–462–9707 for the purpose of negotiating a

confidentiality agreement or a proposed protective order with the applicant. If no agreement can be reached, persons who desire access to this information may file a motion with the Secretary and addressed to the Commission that requests the issuance of a protective order.

Dated: April 5, 2022.

For the Nuclear Regulatory Commission.

Zahira L. Cruz Perez,

Acting Chief, Reactor Decommissioning Branch, Division of Decommissioning Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–07506 Filed 4–7–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2020–11]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filings, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 12, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2020–11; *Filing Title:* USPS Notice of Amendment to Priority Mail & First-Class Package Service Contract 124, Filed Under Seal; *Filing Acceptance Date:* April 4, 2022; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* April 12, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–07544 Filed 4–7–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94590; File No. SR–MEMX–2022–06]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule Concerning Volume Calculations for Transaction Pricing Tiers

April 4, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 2022, MEMX LLC (''MEMX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule applicable to Members[3] (the ''Fee Schedule'') pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on April 1, 2022. The text of the proposed rule change is provided in Exhibit 5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 1.5(p).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to exclude any days that the MSCI Equity Indexes and the S&P 400, S&P 500, and S&P 600 Indexes are rebalanced from the volume calculations used by the Exchange for purposes of determining a Member's qualification for the Exchange's transaction pricing tiers/incentives. Currently, the Exchange's Fee Schedule includes a note stating that the Exchange excludes from its calculations of ADAV,[4] ADV[5] and TCV,[6] and for purposes of determining qualification for the Displayed Liquidity Incentive: (1) Any trading day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours; and (2) the day that Russell Investments reconstitutes its family of indexes (*i.e.,* the last Friday in June). Now, the Exchange proposes to include in this list of days excluded from such calculations any day that the MSCI Equities Indexes are rebalanced (''MSCI Rebalance Day''), which occur on a quarterly basis each year, and any day that the S&P 400, S&P 500, and S&P 600 Indexes are rebalanced (''S&P Rebalance Day''), which also occur on a quarterly basis each year.

For the same reasons that the Exchange currently excludes the day that Russell Investments reconstitutes its family of indexes (''Russell Reconstitution Day'') from these calculations,[7] the Exchange believes it is appropriate to exclude MSCI Rebalance Days and S&P Rebalance Days from these calculations in the same manner, as such days typically have extraordinarily high and/or abnormally distributed trading volumes, which the Exchange believes is attributed to market participants who are not generally as active entering the market to rebalance their holdings in-line with these rebalances, and the Exchange believes this change to normal activity may affect a Member's ability to meet the applicable volume thresholds under its volume-based tiers, as well as the daily quoting requirements under the Displayed Liquidity Incentive. The Exchange notes that the proposed exclusion of MSCI Rebalance Days and S&P Rebalance Days from the relevant calculations would be applied in the same manner that the Exchange currently excludes system disruption days and the Russell Reconstitution Day from such calculations.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is reasonable and appropriate because, as described above, MSCI Rebalance Days and S&P Rebalance Days typically have extraordinarily high and/or abnormally distributed trading volumes which, in turn, may affect a Member's ability to meet the applicable volume thresholds and/or daily quoting requirements under its transaction pricing tiers/incentives, and the Exchange believes that excluding such days from the relevant calculations for purposes of determining a Member's qualification for such tiers/incentives would help to avoid penalizing Members that might otherwise have met the requirements to qualify for such tiers/incentives due to abnormal market conditions. Additionally, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because it will apply to all Members uniformly, in that each Member's volume and quoting activities for purposes of pricing tiers/incentives would continue to be calculated in a uniform manner and would now exclude MSCI Rebalance Days and S&P Rebalance Days.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act[10] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, as described above, the proposed change is intended to avoid penalizing Members that might otherwise have met the applicable volume thresholds and/or quoting requirements to qualify for the Exchange's transaction pricing tiers/incentives due to the abnormal trading volumes and market conditions typically experienced in the equities markets on MSCI Rebalance Days and S&P Rebalance Days. The Exchange does not believe the proposal would impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, as the Exchange believes the proposal is not concerned with competitive issues, but rather relates to calculation methodologies applicable to its pricing tiers/incentives. Additionally, the Exchange believes the proposal would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as described above, the proposed exclusion of MSCI Rebalance Days and S&P Rebalance Days from the relevant calculations will apply to all Members uniformly and in the same manner that the Exchange currently excludes system disruption days and the Russell Reconstitution Day from such calculations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[11] and Rule 19b–4(f)(2)[12] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

[4] As set forth on the Fee Schedule, ''ADAV'' means average daily added volume calculated as the number of shares added per day, which is calculated on a monthly basis.

[5] As set forth on the Fee Schedule, ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day, which is calculated on a monthly basis.

[6] As set forth on the Fee Schedule, ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[7] *See* Securities Exchange Act Release No. 92150 (June 10, 2021), 86 FR 32090, 32092 (June 16, 2021) (SR–MEMX–2021–07).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MEMX–2022–06 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–MEMX–2022–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change.

Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MEMX–2022–06 and should be submitted on or before April 29, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–07467 Filed 4–7–22; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34554; File No. 812–15294]

IndexIQ Active ETF Trust and IndexIQ Advisors LLC

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

Summary of Application: Applicants request an order (''Order'') that permits: (a) The Funds (as defined below) to issue shares (''Shares'') redeemable in large aggregations only (''creation units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; and (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of creation units. The relief in the Order would incorporate by reference terms and conditions of the same relief of a previous order granting the same relief sought by applicants, as that order may be amended from time to time (''Reference Order'').[1]

Applicants: IndexIQ Active ETF Trust and IndexIQ Advisors LLC.

Filing Dates: The application was filed on December 29, 2021, and amended on March 14, 2022.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on April 28, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Matthew Curtin, IndexIQ Advisors LLC, *mcurtin@indexiq.com;* Barry Pershkow, ESQ, Chapman & Cutler, *pershkow@chapman.com.*

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended and restated application, dated March 14, 2022, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Dated: April 4, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–07518 Filed 4–7–22; 8:45 am]

BILLING CODE 8011–01–P

[1] Natixis ETF Trust II, et al., Investment Company Act Rel. Nos. 33684 (November 14, 2019) (notice) and 33711 (December 10, 2019) (order).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94601; File No. SR–CboeBZX–2021–086]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To Amend the Opening Auction Process Provided Under Rule 11.23(b)(2)(B)

April 4, 2022.

On December 21, 2021, Cboe BZX Exchange, Inc. (''BZX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to to amend the Opening Auction process under BZX Rule 11.23(b)(2)(B). The proposed rule change was published for comment in the **Federal Register** on January 5, 2022.[3] On February 14, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On April 1, 2022, the Exchange filed Amendment No. 2 to the proposed rule change, which amended and superseded the proposed rule change as originally filed.[6] The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment No. 2, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 93888 (December 30, 2021), 87 FR 532.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 94238, 87 FR 9399 (February 18, 2022). The Commission designated April 5, 2022, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] On March 31, 2022, the Exchange submitted Amendment No. 1 to the proposed rule change, and on April 1, 2022, the Exchange withdrew Amendment No. 1 to the proposed rule change. Amendment No. 2 is available on the Commission's website at: *https://www.sec.gov/comments/sr-cboebzx-2021-086/srcboebzx2021086-20122189-278229.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposal to amend the Opening Auction process provided under Rule 11.23(b)(2)(B) to better align the Opening Auction Process with current market conditions, and, where certain market conditions are not optimal, to delay the Opening Auction from occurring until those market conditions have improved. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This Amendment No. 2 to SR–CboeBZX–2021–086 amends and replaces in its entirety the proposal amended March 31, 2022 [8] and as originally submitted on December 21, 2022 [sic]. The Exchange submits this Amendment No. 2 in order to clarify certain points and add additional details to the proposal.

The Exchange proposes to amend Rule 11.23(b)(2)(B) to make the Opening Auction process more dynamic by, under certain circumstances delaying the Opening Auction in order to incorporate additional information into the determination of the Opening Auction price. Specifically, as proposed the Rule would provide that when there is no Valid NBBO [9] in a BZX-listed security and there is an Indicative Price [10] that is not within the Collar Price Range,[11] the Opening Auction will be delayed until market conditions improve or the delay period has lapsed, as further described below. The Exchange notes that the official opening price disseminated by the primary listing market provides market participants valuable information which in most cases is used to calculate the initial limit up-limit down (''LULD'') bands and also may serve as the basis for trading strategies for that trading day. However, the official opening price is not as important or time sensitive as the official closing price disseminated by the primary listing market, which is used for the pricing and valuation of certain indices, funds and derivative products. As such, the Exchange believes that the proposal strikes an appropriate balance by providing additional time for the Opening Auction process to occur so that under such circumstances BZX-listed securities have an opportunity for more meaningful price formation that is more representative of current market conditions, but does not delay the determination of the BZX Official Opening Price so as to impact the processes that use the official opening price, such as the dissemination of certain data by the Securities Information Processor (''SIP'').[12]

[8] The Exchange filed Amendment No. 1 March 31, 2022, which amended the proposal as originally submitted on December 31, 2022 [sic]. On April 1, 2022, the Exchange withdrew that amendment and submitted this Amendment No. 2.

[9] As provided in Rule 11.23(a)(23), an NBBO is a Valid NBBO where: (i) There is both a NBB and NBO for the security; (ii) the NBBO is not crossed; and (iii) the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO. *See* Exchange Rule 11.23(a)(23). The Maximum Percentage will vary depending on the price of the NBBO midpoint. Currently, the Maximum Percentages are as follows: For a NBBO midpoint price less than or equal to $25, the Maximum Percentage is 5%; for a NBBO midpoint price greater than $25 but less than or equal to $50, the Maximum Percentage is 2.5%; for a NBBO midpoint price greater than $50, the Maximum Percentage is 1.5%. *See* Section 1.5 (Definitions) of the US Equities Auction Process at *https://cdn.cboe.com/resources/membership/Cboe_US_Equities_Auction_Process.pdf.*

[10] The term ''Indicative Price'' shall mean the price at which the most shares from the Auction Book and the Continuous Book would match. In the event of a volume based tie at multiple price levels, the Indicative Price will be the price which results in the minimum total imbalance. In the event of a volume based tie and a tie in minimum total imbalance at multiple price levels, the Indicative Price will be the price closest to the Volume Based Tie Breaker. *See* Exchange Rule 11.23(a)(10).

[11] *See* Exchange Rule 11.23(a)(6).

[12] The SIP links the U.S. markets by processing and consolidating all protected bid/ask quotes and trades from every trading venue into a single data feed.

Background

As noted above, the Exchange is proposing that under limited circumstances its current Opening Auction process would be amended to delay the process such that additional information could be incorporated into the determination of the Opening Auction price. Currently, Rule 11.23(b)(2)(B) sets forth the process by which the BZX Official Opening Price [13] is determined for BZX-listed securities during the Opening Auction Process. Specifically, as provided in Rule 11.23(b)(2)(B), the Opening Auction price will be the price level within the Collar Price Range that maximizes the number of shares executed between the Continuous Book [14] and Auction Book [15] in the Opening Auction. In the event of a volume based tie at multiple price levels, the Opening Auction price will be the price which results in the minimum total imbalance. In the event of a volume based tie and a tie in minimum total imbalance at multiple price levels, the Opening Auction price will be the price closest to the Volume Based Tie Breaker.[16]

The Volume Based Tie Breaker for an Opening Auction will be the midpoint of the NBBO where there is a Valid NBBO. Where there is no Valid NBBO, the Final Last Sale Eligible Trade (''FLSET'') [17] will be used as the Volume Based Tie Breaker.[18] Because the FLSET is typically based on the most recent execution in a security during Regular Trading Hours, its value may be significantly away from the Indicative Price at the time of the Opening Auction process, especially in more thinly traded securities. As a result, the Exchange has observed instances where auction eligible orders priced in-line with the Indicative Price were not executed in the Opening Auction because they were outside the Collar Price Range established using the FLSET. Based on analysis by the Exchange and feedback from market participants, certain of these instances resulted in orders not receiving executions in the Opening Auction that would have otherwise occurred at prices that would have been acceptable to both parties to the execution. To illustrate this point, the Exchange presents the following example.

Example 1

Consider a security with a prevailing NBBO at 9:30:00 a.m. of $27.10 × $29.54 and two Limit-On-Open orders on the Auction Book—a buy for 1,000 shares at $27.90 and a sell for 1,500 shares at $27.90.[19] The Indicative Price, which is the price at which the most shares from the Auction Book and the Continuous Book would match, would be $27.90 because the only crossed interest comes from the two orders on the Auction Book. Therefore, there is crossed interest willing to execute at a price within the NBBO. However, because the midpoint of the NBBO (*i.e.,* $28.32) is more than the Maximum Percentage [20] away from both the NBB and NBO, the NBBO is not a Valid NBBO and thus the NBBO midpoint would not be used as the Volume Based Tie Breaker. Instead, the Volume Based Tie Breaker would be the FLSET, which would, by definition, be the BZX Official Closing Price from the previous business day, which was $26.52. Using the FLSET as the Collar Midpoint,[21] the Collar Price Range would be $25.19 × $27.85.[22] Because the Indicative Price is outside of the Collar Price Range and there is no crossed interest within the Collar Price Range, there would be no execution as part of the Opening Auction. Therefore, crossed interest from the Auction Book that was priced equal to or more aggressive than the Indicative Price and was within the NBBO would be canceled without execution.[23]

Proposal

Based on the scenario described above, the Exchange is proposing to change its Opening Auction functionality only in circumstances where (i) there is an Indicative Price, (ii) there is not a Valid NBBO, and/or (iii) the Indicative Price is not within the FLSET-established Collar Price Range. As proposed and described in further detail below, the Opening Auction would occur pursuant to the Standard Opening Auction Process if the NBBO becomes a Valid NBBO (*i.e.,* the spread narrows as markets open such that the midpoint of the NBBO is less than the Maximum Percentage away from both the NBB and the NBO) before 9:30:05, or if the Indicative Price moves within the Collar Price Range set by the FLSET (*i.e.,* orders on the Auction Book and/or non-displayed orders on the Continuous Book change the price level at which the most shares from the Auction Book and the Continuous Book would match to be within the Collar Price Range) prior to 9:34:30.

Proposed Rule 11.23(b)(2)(B)(i) would set forth the ''Standard Opening Process'', which mirrors the current process described in Rule 11.23(b)(2)(B). Proposed Rule 11.23(b)(2)(B)(ii) would provide that if there is no Valid NBBO and the Indicative Price is within the Collar Price Range, the Opening Auction price will be established pursuant to the Standard Opening Process. Proposed Rule 11.23(b)(2)(B)(iii) would delay and set forth an alternative Opening Auction Process in the event there is no Valid NBBO and the Indicative Price is not within the Collar Price Range. The proposal is designed to prevent the cancellation of auction eligible orders priced equally or more aggressive than the Indicative Price which the Exchange believes will facilitate the presence of sufficient liquidity and information to make the Opening Auction a meaningful price formation event in BZX-listed securities.

Proposed Rule 11.23(b)(2)(B)(iii) would provide that the Opening Auction price will be delayed as set forth in subparagraphs (a) and (b) as follows:

(a) If after the one-second delay there is a Valid NBBO or the Indicative Price is within the Collar Price Range, the Opening Auction price will be established pursuant to the Standard Opening Auction Process. If there is no Valid NBBO and the Indicative Price is not within the Collar Price Range after the one-second delay, the Opening Auction will be delayed by one additional second, at which point if there is a Valid NBBO or the Indicative Price is within the Collar Price Range, the Opening Auction price will be established pursuant to the Standard Opening Process. If after the additional one-second delay there is a Valid NBBO or the Indicative Price is not within the Collar Price Range, the process described in this paragraph (a) will continue to be applied in one-second increments until either the Opening Auction occurs or until five seconds has lapsed (*i.e.,* 9:30:05 a.m.).

(b) If the Opening Auction has not occurred by 9:30:05, the System will widen the Collar Price Range in the direction of the Indicative Price by 5%

[13] *See* Exchange Rule 11.23(a)(5).

[14] *See* Exchange Rule 11.23(a)(7).

[15] *See* Exchange Rule 11.23(a)(1).

[16] The Volume Based Tie Breaker is the midpoint of the NBBO for a particular security where the NBBO is a Valid NBBO. Where the NBBO is not a Valid NBBO, the price of the FLSET is used as the Volume Based Tie Breaker. *See* Exchange Rule 11.23(a)(23).

[17] *See* Exchange Rule 11.23(a)(9).

[18] The Exchange estimates that there is no Valid NBBO for approximately 5.81% of the Exchange's Opening Auctions.

[19] For purposes of this example, there are no orders on the Continuous Book.

[20] As noted above, the Maximum Percentage for a NBBO midpoint price greater than $25 but less than or equal to $50 is 2.5%.

[21] As provided in Rule 11.23(a)(6), the Collar Midpoint is the Volume Based Tie Breaker for Opening Auctions.

[22] The Collar Price Range is always double the Maximum Percentage. Therefore, the Collar Price Range in Example 1 is 5%.

[23] *See* Exchange Rule 11.23(b)(3)(C).

of the Volume Based Tie Breaker, which will be Final Last Sale Eligible Trade as of 9:30:05 a.m. (the ''Widening Amount'').[24] If the Indicative Price is within the widened Collar Price Range, the Opening Auction price will be established pursuant to the Standard Opening Auction Process. If the Indicative Price is not within the widened Collar Price Range, the Opening Auction will be further delayed, as discussed below.

In sum, the process described in proposed paragraph Rule 11.23(b)(2)(B)(iii)(a) would simply allow for the Opening Auction to occur using the Standard Opening Process described in paragraph 11.23(b)(2)(B)(i), the only difference between the current process being that such Opening Auction could instead occur within the first five seconds of Regular Trading Hours [25] based on whether there is a Valid NBBO or the Indicative Price is within the Collar Price Range. If, after each one-second delay, there is no longer an Indicative Price (*i.e.,* there is no longer crossed interest), the Opening Auction would occur immediately pursuant to proposed Rule 11.23(2)(B)(v). After the first five seconds of Regular Trading Hours, the System will only check for whether the Indicative Price is within the Collar Price Range and will not check for a Valid NBBO because the process described in Proposed Rules 11.23(b)(2)(B)(iii)(b)(1) through (4) is intended to closely follow the reopening process that is described in the Twelfth Amendment of the Plan to Address Extraordinary Market Volatility [26] (the ''Plan'') and corresponding Exchange Rules, as described in further detail below.

Proposed Rules 11.23(b)(2)(B)(iii)(b)(1) through (4) would set forth the delay of the Opening Auction if no auction has occurred between 9:30:05 and 9:34:30. Specifically, the proposed Rules would provide:

(1) The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:30:05 and 9:30:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(2) If by 9:30:30 a.m. the Indicative Price is not within the widened Collar Price Range, the Collar Price Range will again widen by the Widening Amount. The System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:30:30 and 9:31:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process.

(3) If by 9:31:30 a.m. the Indicative Price is not within the widened Collar Price Range, the System will check to see whether the Indicative Price is inside the widened Collar Price Range every second between 9:31:30 and 9:34:30 a.m. If an Indicative Price is inside the widened Collar Price Range during a check, the Opening Auction price will be established pursuant to the Standard Opening Auction Process. Unless the Opening Auction has occurred, the Collar Price Range will widen in the direction of the Indicative Price by the Widening Amount each minute from 9:31:30 to 9:34:30.

(4) If no Opening Auction has occurred by 9:34:30 a.m., the Opening Auction will occur pursuant to the Standard Opening Auction Process using the expanded Collar Price Range as of 9:34:30.

The Exchange first notes that if, during after each one-second delay, there is no longer an Indicative Price (*i.e.,* there is no longer crossed interest), the Opening Auction would occur immediately pursuant to proposed Rule 11.23(2)(B)(v).[27] The Exchange is also proposing to stop extending the Opening Auction Process at 9:34:30 a.m. in part to ensure that the Exchange is able to disseminate the BZX Official Opening Price with sufficient time to be used in the determination of the opening price [28] pursuant to the Plan, from which the reference price [29] is used to calculate the LULD bands. Specifically, the reference price for trading is typically the opening price on the primary listing exchange in an NMS Stock if such opening price occurs less than five minutes after the start of Regular Trading Hours. Therefore, because under the proposal the Opening Auction Process would occur no later than 9:34:30, the LULD bands would be determined based on the BZX Official Opening Price. While the LULD bands for BZX-listed securities could be determined pursuant to the Plan without a BZX Official Opening Price, the Exchange believes that the inclusion of such price provides for LULD bands that more accurately reflect current market conditions.

The Exchange also proposes to move the last two sentences of existing Rule 11.23(b)(2)(B) to proposed Rules 11.23(b)(2)(B)(iv) and (v), respectively, with certain modifications to Rule 11.23(b)(2)(B)(v). Specifically, proposed Rule 11.23(b)(2)(B)(iv) would provide that the Opening Auction Price will be the BZX Official Opening Price. Proposed Rule 11.23(b)(2)(B)(v) would provide that in the event that there is no Opening Auction for an issue, the BZX Official Opening Price will be the price of the FLSET. The Exchange proposes to eliminate the provision that states that the FLSET will be the previous BZX Official Closing Price as it is possible that an FLSET may occur between 9:30:00 and 9:34:30.

Based on the above proposed amendments, the Exchange proposes to amend Rules 11.23(b)(1)(A) and (B) to reflect that the Opening Auction may occur at a time other than 9:30 a.m. Specifically, the Exchange proposes to amend paragraph (A) to provide the following: Users may submit orders to the Exchange as set forth in Rule 11.1. Any Eligible Auction Orders [30] designated for the Opening Auction will be queued for participation in the Opening Auction. Users may submit limit-on-open (''LOO'') and market-on-open (''MOO'') orders until 9:28 a.m., at which point any additional LOO and MOO orders submitted to the Exchange

[24] The Exchange notes that Widening Amount will be locked-in as of 9:30:05, and will not change between 9:30:05 and 9:34:30 even in the event that a round lot trade reported to the consolidated tape was received by the Exchange during that time (*i.e.,* a FLSET).

[25] *See* Exchange Rule 1.5(w).

[26] *See* Securities and Exchange Act no. 79410 (November 28, 2016) 81 FR 87114 (December 2, 2016) (Notice of Filing of the Twelfth Amendment to the National Market System Plan To Address Extraordinary Market Volatility (''Amendment 12'')).

[27] The Exchange notes that the BZX Official Opening Price will be the price of the FLSET, which will be the previous BZX Official Closing Price unless an FLSET occurred after 9:30:00.

[28] For purposes of the Plan, ''opening price'' shall mean the price of a transaction that opens trading on the primary listing exchange. If the primary listing exchange opens with quotations, the ''opening price'' shall mean the closing price of the NMS Stock on the primary listing exchange on the previous trading day, or if no such closing price exists, the last sale on the primary listing exchange.*See* section I(I) of the Plan.

[29] For purposes of the plan, ''reference price'' shall have the meaning provided in Section V of the Plan. *See* section I(R) of the Plan. Section V of the Plan provides that the LULD price bands are based on a reference price for each NMS Stock that, for purposes of the first reference price for a trading day shall be the opening price on the primary listing exchange in an NMS Stock if such opening price occurs less than five minutes after the start of Regular Trading Hours. If the opening price on the primary listing exchange in an NMS Stock does not occur within five minutes after the start of Regular Trading Hours, the first reference price for a trading day shall be the arithmetic mean price of eligible reported transactions for the NMS Stock over the preceding five minute time period. If there is no opening price on the primary listing exchange in an NMS Stock and no trades have occurred by 9:35:00, the previous reference price shall remain in effect.

[30] *See* Exchange Rule 11.23(a)(8).

will be rejected. Regular Hours Only [31] (''RHO'') market orders will also be rejected from 9:28 a.m. until the Opening Auction has concluded. Users may submit late-limit-on-open [32] (''LLOO'') orders from 9:28 a.m. until the Opening Auction has concluded. Any LLOO orders submitted before 9:28 a.m. or after the Opening Auction has concluded will be rejected. RHO limit orders submitted from 9:28 a.m. until the Opening Auction has concluded will be treated as LLOO orders.

The Exchange proposes to amend Rule 11.23(b)(1)(B) to provide that Eligible Auction Orders designated for the Opening Auction may not be cancelled or modified from 9:28 a.m. until the Opening Auction has concluded except that RHO limit orders designated for the Opening Auction may be modified, but not cancelled, from 9:28 a.m. until the time the Opening Auction has concluded. Any such RHO limit orders modified from 9:28 a.m. until the Opening Auction has concluded will be treated as LLOO orders.

To illustrate the proposed functionality, consider the following examples.

Example 2

Applying the same facts from Example 1 related to current functionality above, assume a security has a prevailing NBBO at 9:30:00 a.m. of $27.10 × $29.54 and two Limit-On-Open orders on the Auction Book—a buy for 1,000 shares at $27.90 and a sell for 1,500 shares at $27.90.[33] The Indicative Price, which is the price at which the most shares from the Auction Book and the Continuous Book would match, would be $27.90 because the only crossed interest comes from the two orders on the Auction Book.

Because there was no Valid NBBO and the Indicative Price was outside of the Collar Price Range, the System would check at each second starting at 9:30:00 and ending at 9:30:05 for a Valid NBBO and for the Indicative Price that is within the Collar Price Range. Assuming that these checks did not find a Valid NBBO or an Indicative Price within the Collar Price Range, after the check at 9:30:05 the Collar Price Range is widened in the direction of the Indicative Price by 5% of the FLSET (*i.e.,* $26.52) as of 9:30:05, or $1.33, resulting in a Collar Price Range of $25.19 × $29.18. Upon the first one second check thereafter, the Indicative Price of $27.90 is within the widened Collar Price Range and the auction occurs immediately pursuant to the Standard Opening Auction Process.

Example 3

Applying the facts from Example 2 above, but also considering that another two orders exist on the Auction Book including a buy order for 2,000 shares at $30.50 and a sell order for 500 shares at $30.50.[34] The additional orders entered to the Auction Book would move the Indicative Price to $30.50 because $30.50 would be the price at which the most shares would match (*i.e.,* 2,000 shares). Given that the Indicative Price ($30.50) is not within the widened Collar Price Range calculated above ($25.19 × $29.18), the Opening Auction would not occur after the first collar widening. As such, the System would check at each second starting at 9:30:05 and ending at 9:30:30 for an Indicative Price that is within the Collar Price Range. Assuming that the Indicative Price did not change and thus the checks would not find an Indicative Price within the Collar Price Range, after the check at 9:30:30 the Collar Price Range would once again be widened in the direction of the Indicative Price by the same 5% amount used for the initial collar widening at 9:30:05 ($1.33). The Collar Price Range from 9:30:30 to 9:31:30 would then be $25.19 × $30.51. Upon the first one second check thereafter, the Indicative Price of $30.50 is within the widened Collar Price Range and the auction would occur immediately pursuant to the Standard Opening Auction Process.

Example 4

Applying the facts from Example 3 above, but replacing the two additional orders to the Auction Book a buy order for 2,000 shares at $34.75 and a sell order for 500 shares at $34.75. The orders entered to the Auction Book would move the Indicative Price to $34.75 because $34.75 would be the price at which the most shares would match (*i.e.,* 2,000 shares). Given that the Indicative Price ($34.75) is not within the widened Collar Price Range calculated above at 9:30:30 ($25.19 × $30.51), the Opening Auction would not occur after the second collar widening. As such, the System would check at each second starting at 9:30:30 and ending at 9:31:30 for the Indicative Price being within the Collar Price Range. Assuming that the Indicative Price did not change and thus the checks would not find an Indicative Price within the Collar Price Range, after the check at 9:31:30 the Collar Price Range would again widen in the direction of the Indicative Price by the same 5% amount used for the initial collar widening at 9:30:05 (*i.e.,* $1.33). Therefore, the Collar Price Range would be $25.19 × $31.84 for the period between 9:31:30 and 9:32:30. Again, assuming there is no change to the Indicative Price, at 9:32:30 the Collar Price Range would widen by $1.33 in the direction of the Indicative Price, which would be $25.19 × $33.17 for the period between 9:32:30 and 9:33:30. Again, assuming there is no change to the Indicative Price, at 9:33:30 the Collar Price Range would widen by $1.33 in the direction of the Indicative Price, which would be $25.19 × $34.50 for the period between 9:33:30 and 9:34:30. At this point, the Indicative Price (*i.e.,* $34.75) remains higher than the top end of the Collar Price Range (*i.e.,* $34.50). As such, the Opening Auction would occur at 9:34:30, but would occur within the final Collar Price Range at $27.91, which is the price level tied for the most volume (*i.e.,* 1,500 shares), lowest imbalance (*i.e.,* 500 shares), and closest to the Volume Based Tie Breaker (*i.e.,* the FLSET of $26.52), instead of at the Indicative Price.

As described above, the current functionality described in Example 1 would result in no opening auction because all crossed interest was outside the Collar Price Range set using the FLSET. Examples 2 and 3 demonstrate scenarios in which the proposed functionality of delaying the Opening Auction Process and widening the Collar Price Range would allow participants to execute in an opening auction that would occur at a price more reflective of current market conditions, and that would permit the greatest volume of crossed interest to execute. Alternatively, Example 4 demonstrates that even with the proposed delay and widened Collar Price Range, the Opening Auction may not occur at a price for which any or all crossed interest may execute. The Exchange includes Example 4 in order to illustrate that not all crossed interest in an auction should necessarily be executed and that at some point the benefit of continuing to delay the Opening Auction would be outweighed by the need to establish the BZX Official Opening Price, in particular to ensure that it is reported to the SIP in advance of 9:35 a.m. so that it can be used as the reference price from which the LULD bands are calculated.

Under the proposal, the Opening Auction would be delayed until either (1) the NBBO becomes a Valid NBBO,

[31] *See* Exchange Rule 11.9(b)(7).

[32] *See* Exchange Rule 11.23(a)(12).

[33] For purposes of this example, there are no orders on the Continuous Book.

[34] For purposes of this example, assume there are no orders on the BZX Continuous Book.

(2) the Indicative Price is within the Collar Price Range (*i.e.,* if the Opening Auction occurred between 9:30:01 and 9:30:05) or within the widened Collar Price Range (*i.e.,* if the Opening Auction occurred between 9:30:06 and 9:34:30), or (3) the delay period of four minutes and 30 seconds lapsed. While the proposal does not guarantee that certain orders priced equally or more aggressive to the Indicative Price will execute in the Opening Auction, it provides for additional time for the market to develop at the beginning of the trading day before conducting the Opening Auction.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act.[35] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[36] because it would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's Members and persons associated with its Members with the Act, the rules and regulations thereunder, and the rules of the Exchange.[37] Generally, the Exchange believes that the proposed changes will improve the price discovery process in the Opening Auction for securities listed on the Exchange along with additional benefits set forth below.

First, the Exchange believes proposed Rules 11.23(b)(2)(B)(i) and (ii) are consistent with the Act as the proposed paragraphs are substantially similar to existing Rule 11.23(b)(2)(B) and involve no change in the Opening Auction functionality. Second, the Exchange believes proposed Rule 11.23(b)(2)(B)(iii) would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest. The proposal is designed to increase the likelihood that auction eligible orders that are priced equally or more aggressive than the Indicative Value of the security are able to participate in the Opening Auction instead of being canceled because they are priced outside the Collar Price Range established using the FLSET. As stated above, current Rule 11.23(b)(2)(B) provides that in the event there is no Valid NBBO, the FLSET will be used as the Volume Based Tie Breaker and basis for calculating the Collar Price Range. Because the current Opening Auction process occurs at 9:30:00 a.m., such a Collar Price Range is based on an FLSET that may not have occurred recently or may not otherwise be reflective of current market conditions. As a result, the Exchange has observed instances where auction eligible orders priced equally or more aggressive than the Indicative Price were canceled without execution because they were outside the Collar Price Range established using the FLSET. While these observed instances have been infrequent, the Exchange believes it is important to ensure that the BZX Opening Process is designed to maximize the greatest volume of executions so that the BZX Official Opening Price accurately reflects current market conditions. As a result, the Exchange believes that the proposal would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest. Furthermore, the Exchange believes the proposal strikes a balance of providing additional execution opportunities for auction eligible orders priced equally or more aggressive than the Indicative Price of the security while also limiting any such delay so that the BZX Official Opening Price is reported to the SIP by 9:35 a.m. and is therefore used as the reference price for which the LULD bands are established.

The Exchange notes that the concept of delaying an auction and widening the Collar Price Range as provided in proposed paragraphs 11.23(b)(2)(B)(iii)(b)(1) through (4) is similar to the Twelfth Amendment of the Plan and corresponding amendments by the primary listing exchanges. Specifically, Amendment 12 was created to improve re-openings following a trading pause,[38] with an eye towards carefully balancing halt auction price quality and the speed with which continuous trading can be resumed. Amendment 12 provided that auction halt periods would be extended if either the auction price at which the most shares would be traded is outside the range of the pre-defined price threshold collars (the ''price threshold collars'') or there is a market order share imbalance. Further, Amendment 12 provided that the price threshold collars would be widened in the event that the auction's halt period is extended. In its approval of Amendment 12, the Commission stated that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to provide that a trading pause continue until the primary listing exchange has reopened trading using its established reopening procedures, even if such reopening is more than 10 minutes after the beginning of a trading pause, and to require that trading centers may not resume trading in an NMS Stock following a trading pause without price bands in such NMS Stock. The Commission stated that these two provisions together support a more standardized process for reopening trading after a trading pause has been declared.

As a primary listing exchange, the Exchange amended Rule 11.23(d) to incorporate the provisions of Amendment 12.[39] Specifically, under Rule 11.23(d)(1)(A) the Quote-Only Period[40] with respect to a halt auction commences five (5) minutes prior to such halt auction. Adopted Rule 11.23(d)(2)(C) provides for the Quote-Only Period to be extended an additional five (5) minutes should a halt auction be unable to be performed due to Market Order[41] imbalance under 11.23(d)(2)(B)(i)[42] or if the indicative price, before being adjusted for halt auction collars, is outside the halt

[35] 15 U.S.C. 78f(b).

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78f(b)(1).

[38] A ''trading pause'' refers to a function of the LULD mechanism provided under the Plan. Specifically, the Plan sets for procedures that provide for market-wide LULD requirements that prevent trades in individual NMS stocks from occurring outside of the specified price bands and provides for trading pauses to accommodate more fundamental price moves.

[39] *See* Securities Exchange Act No. 75879 (October 26, 2016) 81 FR 75875 (November 1, 2016) (SR–BatsBZX–2016–61) (Notice of Filing of a Proposed Rule Change To Amend Exchange Rule 11.23, Auctions, To Enhance the Reopening Auction Process Following a Trading Halt Declared Pursuant to the Plan To Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS). *See also* Securities Exchange Act No. 79885 (January 26, 2017) 82 FR 8968 (February 1, 2017) (SR–BatsBZX–2016–61) (Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rule 11.23, Auctions, To Enhance the Reopening Auction Process Following a Trading Halt Declared Pursuant to the Plan To Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS).

[40] ''Quote-Only Period'' is defined as ''a designated period of time prior to a halt auction, a Volatility Closing Auction, or an IPO Auction during which Users may submit orders to the Exchange for participation in the auction.'' See Exchange Rule 11.23(a)(17).

[41] *See* Rule 11.9(a)(2).

[42] Under 11.23(d)(2)(B)(i), the Quote-Only Period may be extended where there are unmatched Market Orders on the Auction Book associated with the auction.

auction collars set forth in adopted subparagraphs (i)[43] and (ii)[44] to Exchange Rule 11.23(d)(2)(C) (either, an ''Impermissible Price'') (''Initial Extension Period''). Similar to the proposal, Rule 11.23(d)(2)(C)(ii) provides that at the beginning of the Initial Extension Period the upper (lower) halt auction collar shall be increased (decreased) by five (5) percent in the direction of the Impermissible Price, rounded to the nearest minimum price variation. For securities with a halt auction reference price of $3.00 or less, the halt auction collar shall be increased (decreased) in $0.15 increments in the direction of the Impermissible Price. At the beginning of each additional extension period, the halt auction collar shall be widened in accordance with this paragraph by the same amount as the Initial Extension Period. In its approval order,[45] the Commission stated that ''extending the Trading Pause and widening the halt auction collar on the side of the Impermissible Price would be a measured approach to provide additional time to attract offsetting interest, to help to address an imbalance that may not be resolved within the prior halt auction collars, and to reduce the potential for triggering another Trading Pause.''

The Exchange notes that the purpose of Amendment 12 and corresponding Exchange amendment was intended to delay a halt auction to attract offsetting interest, while the purpose of this proposal is intended to delay the Opening Auction Process in order to provide the Opening Auction price additional time to reflect current market conditions. Nonetheless, the Exchange believes the purposes of each is designed to balance auction price quality and the speed with which an auction can occur and thus continuous trading can be resumed, in the case of a halt auction, or when the BZX Official Opening Price is determined and reported to the SIP, in the case of an Opening Auction. Therefore, the Exchange believes the proposal is appropriate, in the public interest, for the protection of investors and the maintenance of a fair and orderly market.

The Exchange also believes its proposal to the last two sentences of existing Rule 11.23(b)(2)(B) to paragraphs 11.23(b)(2)(B)(iv) and (v), respectively, will improve clarity and readability of the rule. Further, the proposal to remove the provision of paragraph 11.23(b)(2)(B)(v) that states the FLSET will be the previous BZX Official Closing Price is consistent with the new proposed functionality, which would allow for an FLSET to occur between 9:30 and 9:34:30.

Finally, the Exchange believes its proposed clarifications to Rules 11.23(b)(1)(A) and (B) to reflect that the Opening Auction may occur at a time other than 9:30 a.m. will allow the Exchange to more easily administer its rules, and Members can more clearly understand how the Opening Auction Process may occur. Specifically, the proposed amendments to Rules 11.23(b)(1)(A) and (B) will add clarity, transparency and internal consistency to Exchange rules making them easier to navigate, in light of the other proposed Rule changes described herein.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, allowing the Exchange to make the above proposed modifications will allow the Exchange to better compete with other exchanges as a listing venue by improving the Exchange's auction process by allowing more executions to occur at more reasonable prices that are based on the current value of the security. As mentioned above, the Exchange has received feedback from market participants regarding the issue under the current process, and the proposed amendments will both address this feedback and improve the Exchange's auction process, allowing it to better compete as both a listing and execution venue.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Proceedings To Determine Whether To Approve or Disapprove SR–CboeBZX–2021–086, as Modified by Amendment No. 2, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[46] to determine whether the proposed rule change, as modified by Amendment No. 2, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change, as modified by Amendment No. 2.

Pursuant to Section 19(b)(2)(B) of the Act,[47] the Commission is providing notice of the grounds for disapproval under consideration. As described above, the Exchange has proposed to amend the Opening Auction Process Provided Under Rule 11.23(b)(2)(B). In certain cases, the proposed Opening Auction Process would result in a delay in the calculation of the BZX Official Opening Price, which in most cases is the reference price for LULD price bands.

The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposal with Sections 6(b)(5)[48] and 6(b)(8)[49] of the Act. Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5), 6(b)(8), or any other provision of the Act, or the rules and

[43] Rule 11.23(d)(2)(C)(i) provides for the initial halt auction collar calculations.

[44] Rule 11.23(d)(2)(C)(ii) provides for the widening of the halt auction collars.

[45] *Supra* note 26.

[46] 15 U.S.C. 78s(b)(2)(B).

[47] *Id.*

[48] 15 U.S.C. 78f(b)(5).

[49] 15 U.S.C. 78f(b)(8).

regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,[50] any request for an opportunity to make an oral presentation.[51]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 2, should be approved or disapproved by April 29, 2022. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal May 13, 2022.

The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in Amendment No. 2, and any other issues raised by the proposed rule change under the Act. In this regard, the Commission seeks commenters' views regarding whether a delay in the calculation of the BZX Official Opening Price would affect the trading of BZX-listed securities on other national securities exchanges or other trading venues or otherwise impact any processes that rely on the calculation of the BZX Official Opening Price, including the calculation and dissemination of LULD price bands.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CboeBZX–2021–086 on the subject line.

Paper Comments

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

All submissions should refer to File No. SR–CboeBZX–2021–086. The file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CboeBZX–2021–086 and should be submitted by April 29, 2022. Rebuttal comments should be submitted by May 13, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

J. Matthew DeLesDernier,

Assistant Secretary.

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[50] 17 CFR 240.19b–4.

[51] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[52] 17 CFR 200.30–3(a)(12); 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94594; File No. SR–CBOE–2022–009]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 4.3.06 To Allow the Exchange To List and Trade Options on the Goldman Sachs Physical Gold ETF

April 4, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on March 25, 2022, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 4.3.06 to allow the Exchange to list and trade options on the Goldman Sachs Physical Gold ETF (''AAAU''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 4.3.06 to allow the Exchange to list and trade options on the Goldman Sachs Physical Gold ETF (''AAAU'' or the ''Trust'') as a Unit deemed appropriate for options trading on the Exchange. Rule 4.3.06(a) provides that securities deemed appropriate for options trading include Units (also referred to as Exchange-Traded Funds (''ETFs'')) [3] that represent certain types of interests,[4] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 1.1, definition of ''Unit and ETF''.

[4] *See* Rules 4.3.06(a)(1)-(3) and (5), which, respectively, include Units that represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities

Continued

Rule 4.3.06(a)(4), in particular, includes Units that represent interests in the SPDR Gold Trust or the iShares COMEX Gold Trust or the iShares Silver Trust or the ETFS Silver Trust or the ETFS Gold Trust or the ETFS Palladium Trust or the ETFS Platinum Trust or the Sprott Physical Gold Trust. The proposed rule change expands the ETFs under Rule 4.3.06(a)(4) deemed appropriate for options trading on the Exchange to include AAAU. The Exchange notes that the proposed rule change makes a nonsubstantive change to Rule 4.3.06(a)(4) by replacing superfluous conjunctions with commas to simplify the rule language, and by updating the ''ETFS Silver Trust'', the ''ETFS Gold Trust'', the ''ETFS Palladium Trust'' and the ''ETFS Platinum Trust'' to the ''Aberdeen Standard Physical Silver Trust'', the ''Aberdeen Standard Physical Gold Trust'', the ''Aberdeen Standard Physical Palladium Trust'', the ''Aberdeen Standard Physical Platinum Trust'', respectively, as these ETFs were renamed in 2018.

Like the SPDR Gold Trust (''GLD''), iShares COMEX Gold Trust (''IAU''), Aberdeen Standard Physical Gold Trust (''SGOL''), and Sprott Physical Gold Trust (''PHYS''), currently deemed appropriate for options trading pursuant to Rule 4.3.06(a)(4), AAAU is a gold-backed commodity ETF structured as a trust. Specifically, the Trust's investment objective is for its shares to reflect the performance of the price of gold (less the expenses of the Trust's operations), offering investors an opportunity to gain exposure to gold without the complexities of gold delivery. The Trust issues Goldman Sachs Physical Gold ETF Shares, which represent units of fractional undivided beneficial interest in the Trust, the assets of which consist principally of gold.[5] AAAU is a competitively priced commodity ETF, the cost of which is comparatively lower than the industry average for commodity ETFs. AAAU provides investors with a cost-efficient alternative that allows a level of participation in the gold market through the securities market. Likewise, the GLD, IAU, SGOL and PHYS trusts also issue shares that represent fractional undivided beneficial interest in the respective trust, each of which holds physical gold and is designed to track gold or the performance of the price of gold and offer access to the gold market.[6]

The Exchange believes that offering options on AAAU will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of gold and hedging vehicle to meet their investment needs in connection with gold-related products and positions. The Exchange understands from customers that investors may currently transact in options on AAAU in the unregulated over-the-counter (''OTC'') options market, but may prefer to trade such options in a listed environment to receive the benefits of trading listing options, including (1) enhanced efficiency in initiating and closing out position; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing AAAU options may shift liquidity from the OTC market onto the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. As described above, the gold-backed commodity ETFs (GLD, IAU, SGOL and PHYS) on which the Exchange may already list and trade options are trusts structured in substantially the same manner as AAAU and essentially offer the same objectives and benefits to investors. The Exchange notes that it has not identified any issues with the continued listing and trading of the gold-backed commodity ETF options that it currently lists and trades on the Exchange.

AAAU options will trade in the same manner as any other ETF options on the Exchange. The Exchange Rules that currently apply to the listing and trading of all ETF options on the Exchange, including, for example, Rules that govern listing criteria, expiration and exercise prices, minimum increments, position and exercise limits, margin requirements, customer accounts and trading halt procedures will apply to the listing and trading of options on AAAU on the Exchange in the same manner as they apply to other options on all other Units that are listed and traded on the Exchange, including the gold-backed commodity ETFs already deemed appropriate for options trading on the Exchange pursuant to Rule 4.3.06(a)(4).

The Exchange's initial listing standards for ETFs on which options may be listed and traded on the Exchange will apply to AAAU. The Exchange notes that AAAU satisfies the initial listing standards as set forth in Rule 4.3(a) and Rule 4.3.06(b). Pursuant to Rule 4.3(a), a security (which includes an ETF) on which options may be listed and traded on the Exchange must be duly registered and be an NMS stock, and characterized by a substantial number of outstanding shares which are widely held and actively traded.[7] Rule 4.3.06(b) requires that Units must meet either (1) the criteria and guidelines under Rule 4.3.01,[8] or (2) they must be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue Units in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is

and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse purchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments); interests in a trust or similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on deposited non-U.S. currency, if any, declared and paid by the trust (''Currency Trust Shares''); commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (''Commodity Pool Units''); or represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share'')

[5] The Trust may include minimal cash.

[6] The trusts may include minimal cash.

[7] The Exchange notes that the year-to-date (March 23, 2022) average daily volume (''ADV'') of AAAU shares is approximately 845,200 shares, the market capitalization of AAAU as of March 23, 2022 is approximately $727.3 million and the NAV of its shares is $19.19.

[8] *See* Rule 4.3.01, which provides for guidelines established by the Board of Directors to be considered by the Exchange in evaluating potential underlying securities for Exchange option transactions.

secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus. The Exchange represents that, at minimum, AAAU satisfies Rule 4.3.06(b)(2).[9]

AAAU will also be subject to the Exchange's continued listing standards set forth in Rule 4.4.06 for ETFs deemed appropriate for options trading pursuant to Rule 4.3.06. Specifically, Rule 4.4.06 provides that Units that were initially approved for options trading pursuant to Rule 4.3.06 shall be deemed not to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering that such Units, if the Units cease to be an NMS stock or the Units are halted from trading in their primary market. Additionally, options on Units may be subject to the suspension of opening transactions in any of the following circumstances: (1) In the case of options covering Units approved for trading under Rule 4.3.06(b)(1), in accordance with the terms of paragraphs (a), (b), and (c) of Rule 4.4.01; (2) in the case of options covering Units approved for trading under Rule 4.3.06(b)(2), following the initial twelve-month period beginning upon the commencement of trading in the Units on a national securities exchange and are defined as an NMS stock, there are fewer than 50 record and/or beneficial holders of such Units for 30 or more consecutive trading days; (3) the value of the index or portfolio of securities, non-U.S. currency, or portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or Financial Instruments and Money Market Instruments on which the Units are based is no longer calculated or available; or (4) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

AAAU options are physically settled contracts with American-style exercise.[10] Consistent with current Rule 4.5, which governs the opening of options series on a specific underlying security (including ETFs), the Exchange will open at least one expiration month for options on AAAU[11] and may also list series of options on AAAU for trading on a weekly[12] or quarterly[13] basis. The Exchange may also list long-term equity option series (''LEAPS'') that expire from 12 to 180 months from the time they are listed.[14]

Pursuant to Rule 4.5.07, which governs strike prices of series of options on Units, the interval between strike prices for series of options on AAAU will be $1 or greater where the strike price is $200 or less and $5.00 or greater where the strike price is greater than $200.[15]

Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[16] the $0.50 Strike Program,[17] the $2.50 Strike Price Program,[18] and the $5 Strike Program.[19] Rule 5.4 governs the minimum increment for bids and offers for both equity and index options. Pursuant to Rule 5.4, where the price of a series of AAAU options is less than $3.00 the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10.[20] Any and all new series of AAAU options that the Exchange lists will be consistent and comply with the expirations, strike prices and minimum increments set forth in Rules 4.5 and 5.4, as applicable.

Position and exercise limits for options on ETFs, including options on AAAU, are determined pursuant to Rule 8.30 and Rule 8.32, respectively. Position and exercise limits for ETF options vary according to the number of outstanding shares and the trading volumes of the underlying ETF over the past six months, where the largest in capitalization and the most frequently traded ETFs have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization ETFs have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.[21] The Exchange further notes that Rule 10.3, which governs margin requirements applicable to the trading of all options on the Exchange, including options on ETFs, will also apply to the trading of AAAU options.

The Exchange represents that the same surveillance procedures applicable to all other options on other Units currently listed and traded on the Exchange will apply to options on AAAU, and that it has the necessary systems capacity to support the new option series. The Exchange believes that its existing surveillance and reporting safeguards are designed to

[9] *See* Goldman Sachs Physical Gold ETF, Prospectus (January 8, 2021) available at *https://www.gsam.com/content/gsam/us/en/individual/products/etf-fund-finder/goldman-sachs-physical-gold-etf.html#activeTab=overview.*

[10] *See* Rule 4.2, which provides that the rights and obligations of holders and writers shall be as set forth in the Rules of the Clearing Corporation; *and see* Cboe Equity Options Product Specifications (March 23, 2022) available at *https://www.cboe.com/exchange_traded_stock/equity_options_spec/?msclkid=8079efbbaaf111ec83b46e77a2984348; see also* OCC Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts.

[11] *See* Rule 4.5(b). The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 4.3. Monthly listings expire the third Friday of the month. The term ''expiration date'' when used in respect of a series of binary options other than event options means the last day on which the options may be automatically exercised. In the case of a series of event options (other than credit default options or credit default basket options) that are be automatically exercised prior to their expiration date upon receipt by the Corporation of an event confirmation, the expiration date is the date specified by the listing Exchange; provided, however, that when an event confirmation is deemed to have been received by the Corporation with respect to such series of options, the expiration date will be accelerated to the date on which such event confirmation is deemed to have been received by the Corporation or such later date as the Corporation may specify. In the case of a series of credit default options or credit default basket options, the expiration date is the fourth business day after the last trading day for such series as such trading day is specified by the Exchange on which the series of options is listed; provided, however, that when an event confirmation is deemed to have been received by the Corporation with respect to a series of credit default options or single payout credit default basket options prior to the last trading day for such series, the expiration date for options of that series will be accelerated to the second business day following the day on which such event confirmation is deemed to have been received by the Corporation. ''Expiration date'' means, in respect of a series of range options expiring prior to February 1, 2015, the Saturday immediately following the third Friday of the expiration month of such series, and, in respect of a series of range options expiring on or after February 1, 2015 means the third Friday of the expiration month of such series, or if such Friday is a day on which the Exchange on which such series is listed is not open for business, the preceding day on which such Exchange is open for business. *See* The Options Clearing Corporation (''OCC'') By-Laws at Section 1.

[12] The weekly listing program is known as the Short Term Option Series Program and is described within Rule 4.5(d).

[13] *See* Rule 4.5(e).

[14] *See* Rule 4.5(f).

[15] The Exchange notes that for options listed pursuant to the Short Term Option Series Program, Rule 4.5(d)(5) specifically sets forth intervals between strike prices on Short Term Option Series.

[16] *See* Rule 4.5.01(a).

[17] *See* Rule 4.5.01(b).

[18] *See* Rule 4.5.04.

[19] The $5 Strike Program is described within Rule 4.5.01(f).

[20] If options on AAAU are eligible to participate in the Penny Interval Program, the minimum increment will be $0.01 below $3.00 and $0.50 above $3.00. *See also* Rule 5.4(d), which governs the requirements for the Penny Interval Program.

[21] Given AAAU volume over the previous six months, the Exchange anticipates that, upon initial listing, AAAU options will fall into the position limit bucket of 75,000 contracts.

deter and detect possible manipulative behavior which might potentially arise from listing and trading ETF options, including AAAU options, as proposed. Also, the Exchange may obtain information from the CME Group New York Mercantile Exchange, Inc. (''NYMEX'') (a member of the Intermarket Surveillance Group) related to any financial instrument that is based, in whole or in part, upon an interest in or performance of gold.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on AAAU up to the number of expirations currently permissible under the Exchange Rules. Because the proposal is limited to one class, the Exchange believes any additional traffic that may be generated from the introduction of AAAU options will be manageable.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[22] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[23] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[24] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on AAAU will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on AAAU will provide investors with greater opportunity to realize the benefits of utilizing options on a commodity-based ETF, including cost efficiencies and increased hedging strategies. The Exchange believes that offering options on a competitively priced gold-backed commodity ETF will benefit investors by providing them with an additional, relatively lower cost risk management tool allowing them to more easily manage their positions and associated risk in their portfolios in connection with exposure to the price of gold and with gold-related products and positions. Additionally, the Exchange's offering of AAAU options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market; shifting liquidity from the OTC market onto the Exchange, thus increasing market transparency and enhancing the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists options on other gold-based ETFs, which, as described above, are trusts structured in substantially the same manner as AAAU and essentially offer the same objectives and benefits to investors, and for which the Exchange has not identified any issues with the continued listing and trading of the gold-backed ETF options it currently lists for trading.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules, previously filed with the Commission. Options on AAAU must satisfy the initial listing standards and continued listing standards currently in the Exchange Rules, applicable to options on all Units, including other gold-backed commodity ETFs already deemed appropriate for options trading on the Exchange. AAAU options will trade in the same manner as any other ETF [sic]—the same Exchange Rules that currently govern the listing and trading of all ETF options, including permissible expirations, strike prices and minimum increments, and applicable position and exercise limits and margin requirements, will govern the listing and trading of options on AAAU in the same manner.

The Exchange represents that it has the necessary systems capacity to support the new ETF option series. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading ETF options, including AAAU options.

Finally, the Exchange believes that the proposed nonsubstantive rule change to simplify the rule language and update the names of certain ETFs in Rule 4.3.06(a)(4) will protect investors and the public interest by adding clarity to the Rule and making the Rule more accurate, thereby mitigating any potential investor confusion and making the Rule easier to understand.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as AAAU satisfies initial listing standards set forth in the Exchange Rules and options on AAAU will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on Units on the Exchange will apply in the same manner to the listing and trading of all options traded on AAAU. Also, and as stated above, the Exchange already lists options on other gold-based ETFs.

The Exchange does not believe that the proposal to list and trade options on AAAU will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of AAAU options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on AAAU. Additionally, the Exchange notes that listing and trading AAAU options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market. The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their

[22] 15 U.S.C. 78f(b).

[23] 15 U.S.C. 78f(b)(5).

[24] *Id.*

investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering AAAU options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with gold prices and gold-related products and positions on a listed options exchange.

The Exchange does not believe that the proposed nonsubstantive rule change will impose any burden on intramarket or intermarket competition as the proposed rule change is not intended as a competitive change, but merely adds clarity to and provides for more accuracy within the Exchange Rules. The proposed rule change makes no substantive changes to the Exchange Rules, and thus will have no impact on trading on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2022–009 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CBOE–2022–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2022–009 and should be submitted on or before April 29, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–07465 Filed 4–7–22; 8:45 am]

BILLING CODE 8011–01–P

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94592; File No. SR–NASDAQ–2022–027]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Modify Certain Pricing Limitations for Companies Listing in Connection With a Direct Listing With a Capital Raise

April 4, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 21, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify certain pricing limitations for companies listing in connection with a Direct Listing with a Capital Raise in which the company will sell shares itself in the opening auction on the first day of trading on Nasdaq.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2021, Nasdaq adopted Listing Rule IM–5315–2 to permit a company to list in connection with a primary offering in which the company will sell shares itself in the opening auction on the first day of trading on the Exchange (a ''Direct Listing with a Capital Raise''); [3] created a new order type (the ''CDL Order''), which is used during the Nasdaq Halt Cross (the ''Cross'') for the shares offered by the company in a Direct Listing with a Capital Raise; and established requirements for disseminating information, establishing the opening price and initiating trading through the Cross in a Direct Listing with a Capital Raise.[4] For a Direct Listing with a Capital Raise, Nasdaq rules currently require that the actual price calculated by the Cross be at or above the lowest price and at or below the highest price of the price range established by the issuer in its effective registration statement (the ''Pricing Range Limitation'').

Nasdaq now proposes to modify the Pricing Range Limitation [5] such that, provided other requirements are satisfied, a Direct Listing with a Capital Raise can also be executed in the Cross at a price that is at or above the price that is as low as 20% below the lowest price in the price range established by the issuer in its effective registration statement; [6] or at a price above the highest price of such price range. Specifically, to execute at a price outside of the price range, the company's registration statement must contain a sensitivity analysis explaining how the company's plans would change if the actual proceeds from the offering were less than or exceeded the amount assumed in such price range and the company has publicly disclosed and certified to Nasdaq that the company does not expect that such price would materially change the company's previous disclosure in its effective registration statement. Nasdaq also proposes to make related conforming changes.

Current Direct Listing With a Capital Raise Requirements

Currently, a Direct Listing with a Capital Raise must begin trading on Nasdaq following the initial pricing through the Cross, which is described in Rules 4120(c)(9) and 4753.[7]

Currently, in addition to pricing within the Pricing Range Limitation,[8] Rule 4120(c)(9) requires that in the case of a Direct Listing with a Capital Raise, for purposes of releasing securities for trading on the first day of listing, Nasdaq, in consultation with the financial advisor to the issuer, will make the determination of whether the security is ready to trade. In addition, under Rule 4120(c)(9)(B) Nasdaq will release the security for trading only if all market orders will be executed in the Cross. If there is insufficient buy interest to satisfy the CDL Order and all other market orders, or if the Pricing Range Limitation is not satisfied, the Cross would not proceed and such security would not begin trading. In such event, because the Cross cannot be conducted, the Exchange would postpone and reschedule the offering and notify market participants via a Trader Update that the Direct Listing with a Capital Raise scheduled for that date has been cancelled and any orders for that security that have been entered on the Exchange would be cancelled back to the entering firms.[9]

Proposed Change to Rule 4120(c)(9)

While many companies are interested in alternatives to traditional IPOs, based on conversations with companies and their advisors Nasdaq believes that there may be a reluctance to use the existing Direct Listing with a Capital Raise rules because of concerns about the Pricing Range Limitation.

One potential benefit of a Direct Listing with a Capital Raise as an alternative to a traditional IPO is that it could maximize the chances of more efficient price discovery of the initial public sale of securities for issuers and investors. Unlike an IPO where the offering price is informed by underwriter engagement with potential investors to gauge interest in the offering, but ultimately decided through negotiations between the issuer and the underwriters for the offering, in a Direct Listing with a Capital Raise the initial sale price is determined based on market interest and the matching of buy and sell orders in an auction open to all market participants. In that regard, in the Approval Order the Commission stated that:

> The opening auction in a Direct Listing with a Capital Raise provides for a different price discovery method for IPOs which may reduce the spread between the IPO price and subsequent market trades, a potential benefit to existing and potential investors. In this way, the proposed rule change may result in additional investment opportunities while providing companies more options for becoming publicly traded.[10]

A successful initial public offering of shares requires sufficient investor interest. If an offering cannot be completed due to lack of investor interest, there is likely to be a substantial amount of negative publicity for the company and the offering may be delayed or cancelled. The Pricing Range Limitation imposed on a Direct Listing with a Capital Raise (but not on a traditional IPO) increases the probability of such a failed offering because the offering cannot proceed without some delay not only for the lack of investor interest, but also if investor interest is greater than the company and its advisors anticipated. In the Approval Order, the Commission noted a frequent academic observation of traditional firm commitment underwritten offerings that the IPO price, established through negotiation between the underwriters and the issuer, is often lower than the price that the issuer could have obtained for the securities, based on a comparison of the IPO price to the closing price on the first day of trading.[11] Nasdaq believes that the price range in a company's effective registration statement for a Direct Listing with a Capital Raise would similarly be determined by the company and its advisors and, therefore, there may be instances of offerings where the price determined by the Nasdaq opening auction will exceed the highest price of the price range in the company's effective registration statement.

As explained above, under the existing rule a security subject to a Direct Listing with a Capital Raise

[3] A Direct Listing with a Capital Raise includes situations where either: (i) Only the company itself is selling shares in the opening auction on the first day of trading; or (ii) the company is selling shares and selling shareholders may also sell shares in such opening auction.

[4] *See* Securities Exchange Act Release No. 91947 (May 19, 2021), 86 FR 28169 (May 25, 2021) (the ''Approval Order'').

[5] On February 24, 2022, the Commission issued an order disapproving a similar proposal by Nasdaq. Securities Exchange Act Release No. 94311 (February 24, 2022), 87 FR 11780 (March 2, 2022) (the ''Disapproval Order''). Nasdaq believes that this proposal addresses the issues raised by the Commission in the Disapproval Order.

[6] References in this proposal to the price range established by the issuer in its effective registration statement are to the price range disclosed in the prospectus in such registration statement. Separately, as explained in more details below, Nasdaq proposes to prescribe that the 20% threshold below the lowest price in the price range will be calculated based on the maximum offering price set forth in the registration fee table, consistent with the Instruction to paragraph (a) of Securities Act Rule 430A.

[7] *See* Listing Rule IM–5315–2.

[8] *See* Rule 4120(c)(9)(B).

[9] Nasdaq will postpone and reschedule the offering only if either or both such conditions are not met.

[10] *See* Approval Order, 86 FR at 28177.

[11] *See* Approval Order, footnote 91.

cannot be released for trading by Nasdaq if the actual price calculated by the Cross is above the highest price of the price range established by the issuer in its effective registration statement. In this case, Nasdaq would have to cancel or postpone the offering until the company amends its effective registration statement. At a minimum, such a delay exposes the company to market risk of changing investor sentiment in the event of an adverse market event. In addition, as explained above, the determination of the public offering price of a traditional IPO is not subject to limitations similar to the Pricing Range Limitation for a Direct Listing with a Capital Raise, which, in Nasdaq's view, could make companies reluctant to use this alternative method of going public despite its expected potential benefits. This reluctance could result in denying investors and companies the benefits of this different price discovery method.

Accordingly, Nasdaq proposes to modify the Pricing Range Limitation such that in the case of the Direct Listing with a Capital Raise, a security could be released for trading by Nasdaq if the actual price at which the Cross would occur is as much as 20% below the lowest price of the price range established by the issuer in its effective registration statement. In addition, a security could be released for trading by Nasdaq if the actual price at which the Cross would occur was above the highest price in the price range established by the issuer in its effective registration statement.[12] In such cases (whether lower or higher than the price range) the company will be required to specify the quantity of shares registered in its registration statement, as permitted by Securities Act Rule 457, [13] and that registration statement will be required to contain a sensitivity analysis explaining how the company's plans would change if the actual proceeds from the offering are less than or exceed the amount assumed in the price range established by the issuer in its effective registration statement.[14] In addition, the company will be required to publicly disclose and certify to Nasdaq prior to beginning of the Display Only Period that the company does not expect that such offering price would materially change the company's previous disclosure in its effective registration statement. The goal of these requirements is to have disclosure that allows investors to see how changes in share price ripple through critical elements of the disclosure.[15]

Nasdaq believes that this approach is consistent with SEC Rule 430A and question 227.03 of the SEC Staff's Compliance and Disclosure Interpretations, which generally allow a company to price a public offering 20% outside of the disclosed price range without regard to the materiality of the changes to the disclosure contained in the company's registration statement.[16] Nasdaq believes such guidance also allows deviation above the price range beyond the 20% threshold if such change or deviation does not materially change the previous disclosure. Accordingly, Nasdaq believes that a company listing in connection with a Direct Listing with a Capital Raise can specify the quantity of shares registered, as permitted by Securities Act Rule 457, and, when an auction prices outside of the disclosed price range, use a Rule 424(b) prospectus, rather than a post-effective amendment, when either (i) the 20% threshold noted in the instructions to Rule 430A is not exceeded, regardless of the materiality or non-materiality of resulting changes to the registration statement disclosure that would be contained in the Rule 424(b) prospectus, or (ii) when there is a deviation above the price range beyond the 20% threshold noted in the instructions to Rule 430A if such deviation would not materially change the previous disclosure, in each case assuming the number of shares issued is not increased from the number of shares disclosed in the prospectus. For purposes of this rule, the 20% threshold will be calculated based on the maximum offering price set forth in the registration fee table, consistent with the Instruction to paragraph (a) of Securities Act Rule 430A.[17]

Nasdaq also proposes to adopt a new Price Volatility Constraint and disseminate information about whether the Price Volatility Constraint has been satisfied, which will indicate whether the security may be ready to trade. Prior to releasing a security for trading, Nasdaq allows a ''Pre-Launch Period'' of indeterminate length, during which price discovery takes place. The Price Volatility Constraint requires that the Current Reference Price has not deviated by 10% or more from any Current Reference Price during the Pre-Launch Period within the previous 10 minutes. The Pre-Launch Period will continue until at least five minutes after the Price Volatility Constraint has been satisfied. Nasdaq will also introduce the Near Execution Price which is the Current Reference Price at the time the Price Volatility Constraint has been satisfied; and set the Near Execution Time as such time. This change will provide investors with notice that the Cross nears execution and allows a period of at least five minutes for investors to modify their orders, if needed, based on the Near Execution Price, prior to the execution of the Cross and the pricing of the offering. Further, to assure that the Near Execution Price is a meaningful benchmark for investors, and that the offering price does not deviate substantially from the Near Execution Price, Nasdaq proposes to require, in addition to other the existing conditions stated in proposed Rule 4120(c)(9)(B)(vii), that the Cross may execute only if the actual price calculated by the Cross is no more than 10% below or above the Near Execution Price (the ''10% Price Collar'').

Nasdaq notes that imbalance between the buy and sell orders could sometimes cause the Current Reference Price to fall outside the 10% Price Collar after the Price Volatility Constraint has been satisfied. Such price fluctuations could be temporary, and the Current Reference

[12] In the prior proposal, Nasdaq proposed different requirements based on whether the Cross would occur at a price that was within 20% of the price range. *See* Disapproval Order. Nasdaq is eliminating this proposed distinction and is proposing herein to treat all prices outside of the price range the same.

[13] Securities Act Rule 457 permits issuers to register securities either by specifying the quantity of shares registered, pursuant to Rule 457(a), or the proposed maximum aggregate offering amount. Nasdaq proposes to require that companies selling shares through a Direct Listing with a Capital Raise will register securities by specifying the quantity of shares registered and not a maximum offering amount. *See also* Compliance & Disclosure Interpretation of Securities Act Rules #227.03 at *https://www.sec.gov/divisions/corpfin/guidance/securitiesactrules-interps.htm.*

[14] The price range in the preliminary prospectus included in the effective registration statement must be a bona fide price range in accordance with Item 501(b)(3) of Regulation S–K.

[15] Sensitivity analysis disclosure may include but is not limited to: Use of proceeds; balance sheet and capitalization; and the company's liquidity position after the offering. An example of this disclosure could be: We will apply the net proceeds from this offering first to repay all borrowings under our credit facility and then, to the extent of any proceeds remaining, to general corporate purposes.

[16] Securities Act Rule 457 permits issuers to register securities either by specifying the quantity of shares registered, pursuant to Rule 457(a), or the proposed maximum aggregate offering amount. Nasdaq proposes to require that companies selling shares through a Direct Listing with a Capital Raise will register securities by specifying the quantity of shares registered and not a maximum offering amount. *See also* Compliance & Disclosure Interpretation of Securities Act Rules #227.03 at *https://www.sec.gov/divisions/corpfin/guidance/securitiesactrules-interps.htm.*

[17] Nasdaq believes that applying additional protections related to the disclosure requirements in the registration statement and the certifications to Nasdaq, as described above, to all instances where the Cross is executed outside the disclosed price range addresses an issue the Commission raised in the Disapproval Order. *See* footnote 5 above.

Price may return to and remain within the 10% Price Collar. The price fluctuation could also be lasting such that the Current Reference Price remains outside the 10% Price Collar. Given this, Nasdaq proposes to assess the Current Reference Price vis-à-vis the 10% Price Collar 30 minutes after the Near Execution Time. If at that time the Current Reference Price is outside the 10% Price Collar, all requirements of the Pre-Launch Period shall reset and must be satisfied again.[18] Once the Price Volatility Constraint has been satisfied anew, the Current Reference Price at such time will become the updated Near Execution Price and such time will become the updated Near Execution Time. This process will continue iteratively, if new resets are triggered, until the Cross is executed, or the offering is postponed.

If the Current Reference Price 30 minutes after the Near Execution Time is within the 10% Price Collar, price formation may continue without limitations until Nasdaq, in consultation with the financial advisor to the issuer, makes the determination that the security is ready to trade (and certain existing conditions restated in proposed Rule 4120(c)(9)(B)(vii) are met). However, if at any time 30 minutes after the Near Execution Time the Current Reference Price is outside the 10% Price Collar, all requirements of the Pre-Launch Period shall reset and must be satisfied again, in the same manner as described in the immediately preceding paragraph.

Given that, as proposed, there may be a Direct Listing with a Capital Raise that could price outside the price range of the company's effective registration statement and that there may be no upside limit above which the Cross could not proceed, Nasdaq proposes to enhance price discovery transparency by providing readily available, real time pricing information to investors. To that end Nasdaq will disseminate, free of charge, the Current Reference Price on a public website, such as *Nasdaq.com,* during the Pre-Launch Period and indicate whether the Current Reference Price is within the price range established by the issuer in its effective registration statement. Once the Price Volatility Constraint has been satisfied, Nasdaq will also disseminate the Near Execution Price, the Near Execution Time and the 30-minute countdown from such time. The disclosure will indicate that the Near Execution Price and the Near Execution Time may be reset, as described above, if the security is not released for trading within 30 minutes of the Near Execution Time and the Current Reference Price at such time (or at any time thereafter) is more than 10% below or more than 10% above the Near Execution Price.

In this way, investors interested in participating in the opening auction will be informed when volatility has settled to a range that will allow the open to take place and they will be informed of the price range at which the auction would take place. If the price moves outside, and remains outside this range, 30 minutes after the original range was set they will be informed of the new range and will have at least five minutes to reevaluate their investment decision.[19]

Nasdaq also proposes to prohibit market orders (other than by the Company through its CDL Order) from the opening of a Direct Listing with a Capital Raise. This will protect investors by assuring that investors only purchase shares at a price at or better than the price they affirmatively set, after having the opportunity to review the Company's effective registration statement including the sensitivity analysis describing how the Company will use any additional proceeds raised. Accordingly, an investor participating in a Direct Listing with a Capital Raise will make their initial investment decision prior to the launch of the offering by setting the price in their limit order above which they will not buy shares in the offering, but will also have an opportunity to reevaluate their initial investment decision during the price formation process of the Pre-Launch Period based on the Near Execution Price. Under the proposed rule, such investor will have at least five minutes once the Near Execution Price has been set and before the offering may be priced by Nasdaq to modify their order, if needed. As described above, all relevant price formation information will be disseminated by Nasdaq on a public website in real time.

In addition, to protect investors and assure that they are informed about the attributes of a Direct Listing with a Capital Raise, Nasdaq proposes to impose specific requirements on Nasdaq members with respect to a Direct Listing with a Capital Raise. These rules will require members to provide to a customer, before that customer places an order to be executed in the Cross, a notice describing the mechanics of pricing a security subject to a Direct Listing with a Capital Raise in the Cross, including information regarding the location of the public website where Nasdaq will disseminate the Current Reference Price.

To assure that members have the necessary information to be provided to their customers, Nasdaq proposes to distribute, at least one business day prior to the commencement of trading of a security listing in connection with a Direct Listing with a Capital Raise, an information circular to its members that describes any special characteristics of the offering, and Nasdaq's rules that apply to the initial pricing through the mechanism outlined in Nasdaq Rule 4120(c)(9)(B) and Nasdaq Rule 4753 for the opening auction, including information about the notice they must provide customers and other Nasdaq rules that:

- Require members to use reasonable diligence in regard to the opening and maintenance of every account, to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer; and
- require members in recommending transactions for a security subject to a Direct Listing with a Capital Raise to have a reasonable basis to believe that: (i) The recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such members, and (ii) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in such security.

These member requirements are intended to remind members of their obligations to ''know their customers,'' increase transparency of the pricing mechanisms of a Direct Listing with a Capital Raise, and help assure that

[18] For the avoidance of doubt, while the Price Volatility Constraint cannot initially be satisfied sooner than ten minutes after the beginning of the Pre-Launch Period, if it is subsequently reset, the Price Volatility Constraint can be satisfied again in less than ten minutes because it would look back at prior pricing during the Pre-Launch Period (including pricing prior to the reset) to determine if the Current Reference Price has deviated by 10% or more from any Current Reference Price within the previous 10 minutes.

[19] Nasdaq believes that the introduction, as described above, of the 10% Price Collar, the Near Execution Price, the Near Execution Time, the 30-minute reset and the five minute prohibition on executing the Cross after the Price Volatility Constraint has been satisfied addresses concerns the Commission raised in the Disapproval Order. *See* footnote 5 above. Specifically, in the Disapproval Order, the Commission stated that, as previously proposed, ''investors could be misled that the opening cross 'nears execution' and that the disseminated Current Reference Price will likely be close to the opening auction price when, in fact, the auction may not occur for a considerable time and the opening auction price may differ substantially.'' As revised, the opening auction price must remain within 10% of the price publicly announced as the Near Execution Price for the auction to occur and investors will have enhanced disclosure about the possibility that the Price Volatility Constraint could be reset.

investors have sufficient price discovery information.

In each instance of a Direct Listing with a Capital Raise, Nasdaq's information circular[20] will inform the market participants that the auction could price up to 20% below the lowest price of the price range in the company's effective registration statement and specify what that price is. Nasdaq will also indicate in such circular whether or not there is an upside limit above which the Cross could not proceed, based on the company's certification, as described above. Nasdaq will also remind the market participants that Nasdaq prohibits market orders (other than by the Company) from the opening of a Direct Listing with a Capital Raise.

To assure that the issuer has the ability, prior to the completion of the offering, to provide any necessary additional disclosures that are dependent on the price of the offering, Nasdaq proposes to introduce to the operation of the Cross a brief Post-Pricing Period, in circumstances where the actual price calculated by the Cross is outside of the price range established by the issuer in its effective registration statement. Specifically, in such circumstances, Nasdaq will initiate a Post-Pricing Period following the calculation of the actual price. During the Post-Pricing Period the issuer must confirm to Nasdaq that no additional disclosures are required under federal securities laws based on the actual price calculated by the Cross. During the Post-Pricing Period no additional orders for the security may be entered in the Cross and no existing orders in the Cross may be modified. The security shall be released for trading immediately following the Post-Pricing Period. If the Company cannot provide the required confirmation, then Nasdaq will postpone and reschedule the offering.

Proposed Conforming Changes to Listing Rule IM–5315–2

Listing Rule IM–5315–2 allows a company that has not previously had its common equity securities registered under the Act to list its common equity securities on the Nasdaq Global Select Market at the time of effectiveness of a registration statement pursuant to which the company itself will sell shares in the opening auction on the first day of trading on the Exchange.

Listing Rule IM–5315–2 provides that in determining whether a company listing in connection with a Direct Listing with a Capital Raise satisfies the Market Value of Unrestricted Publicly Held Shares[21] for initial listing on the Nasdaq Global Select Market, the Exchange will deem such company to have met the applicable requirement if the amount of the company's Unrestricted Publicly Held Shares before the offering along with the market value of the shares to be sold by the company in the Exchange's opening auction in the Direct Listing with a Capital Raise is at least $110 million (or $100 million, if the company has stockholders' equity of at least $110 million).

Listing Rule IM–5315–2 further provides that, for this purpose, the Market Value of Unrestricted Publicly Held Shares will be calculated using a price per share equal to the lowest price of the price range disclosed by the issuer in its effective registration statement.

Because Nasdaq proposes to allow the opening auction to price up to 20% below the lowest price of the price range established by the issuer in its effective registration statement, Nasdaq proposes to make a conforming change to Listing Rule IM–5315–2 to provide that the price used to determine such company's compliance with the Market Value of Unrestricted Publicly Held Shares is the price per share equal to the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement. Nasdaq will determine that the company has met the applicable bid price and market capitalization requirements based on the same per share price. This price is the minimum price at which the company could sell its shares in the Direct Listing with a Capital Raise transaction and so assures that the company will satisfy these requirements at any price at which the auction successfully executes.

Any company listing in connection with a Direct Listing with a Capital Raise would continue to be subject to, and required to meet, all other applicable initial listing requirements, including the requirements to have the applicable number of shareholders and at least 1,250,000 Unrestricted Publicly Held Shares outstanding at the time of initial listing, and the requirement to have a price per share of at least $4.00 at the time of initial listing.[22]

Proposed Conforming Changes to Rules 4753(a)(3)(A) and 4753(b)(2)

Nasdaq proposes to amend Rules 4753(a)(3)(A) and 4753(b)(2) to conform the requirements for disseminating information and establishing the opening price through the Cross in a Direct Listing with a Capital Raise to the proposed amendment to allow the opening auction to price as much as 20% below the lowest price of the price range established by the issuer in its effective registration statement.

Specifically, Nasdaq proposes changes to Rules 4753(a)(3)(A) and 4753(b)(2) to make adjustments to the calculation of the Current Reference Price, which is disseminated in the Nasdaq Order Imbalance Indicator, in the case of a Direct Listing with a Capital Raise and for how the price at which the Cross will execute. These rules currently provide that where there are multiple prices that would satisfy the conditions for determining a price, the fourth tie-breaker for a Direct Listing with a Capital Raise is the price that is closest to the lowest price of the price range disclosed by the issuer in its effective registration statement.[23]

To conform these rules to the modification of the Pricing Range Limitation change, as described above, Nasdaq proposes to modify the fourth tie-breaker for a Direct Listing with a Capital Raise, to use the price closest to the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement.[24]

Lastly, Nasdaq proposes to clarify several provisions of the existing rules by restating the provisions of Rules 4120(c)(8)(A) and (c)(9)(A) in a clear and direct manner without substantively changing them. Specifically, Nasdaq proposes to clarify the mechanics of the Cross by specifying that Nasdaq will initiate a 10-minute Display Only Period only after the CDL Order had been entered. This clarification simply states what is already implied by the rule because the Cross and the offering may not proceed without the company's order to sell the securities in a Direct Listing with a Capital Raise. Similarly,

[20] The Information circular is an industry wide free service provided by Nasdaq.

[21] *See* Listing Rules 5005(a)(23) and 5005(a)(45).

[22] *See* Listing Rules 5315(f)(1), (e)(1) and (2), respectively. Rule 5315(f)(1) requires a security to have: (A) At least 550 total holders and an average monthly trading volume over the prior 12 months of at least 1,100,000 shares per month; or (B) at least 2,200 total holders; or (C) a minimum of 450 round lot holders and at least 50% of such round lot holders must each hold unrestricted securities with a market value of at least $2,500.

[23] To illustrate: The bottom of the range is $10. More than one price exists within the range under the previous set of tie-breakers such that both $10.15 and $10.25, satisfy all other requirements. The operation of the fourth tie-breaker will result in the auction price of $10.15 because it is the price that is closest to $10.

[24] Note that using the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement as a tie-breaker (rather than the price representing the bottom of the range) does not change the outcome in the example in footnote 23 above because $10.15 is the price that is closest to either.

Nasdaq proposes to clarify without changing the existing rule that Nasdaq shall select price bands for purposes of applying the price validation test in the Cross in connection with a Direct Listing with a Capital Raise. Under the price validation test, the System compares the Expected Price with the actual price calculated by the Cross to ascertain that the difference, if any, is within the price bands. Nasdaq shall select an upper price band and a lower price band. The default for an upper and a lower price band is set at zero. If a security does not pass the price validation test, Nasdaq may, but is not required to, select different price bands before recommencing the process to release the security for trading.[25] Nasdaq also proposes to clarify that the ''actual price,'' as the term is used in the rule, is the Current Reference Price at the time the system applies the price bands test.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[26] in general, and furthers the objectives of Section 6(b)(5) of the Act,[27] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that the proposed amendment to modify the Pricing Range Limitation is consistent with the protection of investors because this approach is similar to the pricing of an IPO where an issuer is permitted to price outside of the price range disclosed by the issuer in its effective registration statement in accordance with the SEC's Staff guidance, as described above.[28] Specifically, Nasdaq believes that a company listing in connection with a Direct Listing with a Capital Raise can specify the quantity of shares registered, as permitted by Securities Act Rule 457, and, when an auction prices outside of the disclosed price range, use a Rule 424(b) prospectus, rather than a post-effective amendment, when either (i) the 20% threshold noted in the instructions to Rule 430A is not exceeded, regardless of the materiality or non-materiality of resulting changes to the registration statement disclosure that would be contained in the Rule 424(b) prospectus, or (ii) when there is a deviation above the price range beyond the 20% threshold noted in the instructions to Rule 430A if such deviation would not materially change the previous disclosure, in each case assuming the number of shares issued is not increased from the number of shares disclosed in the prospectus. As a result, Nasdaq will allow the Cross to take place as low as 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement, but no lower, and so this is the minimum price at which the company could be listed. In addition, to better inform investors and market participants, Nasdaq will issue an industry wide circular to inform the participants that the auction could price up to 20% below the lowest price of the price range in the company's effective registration statement and specify what that price is. Nasdaq will also indicate in such circular whether or not there is an upside limit above which the Cross could not proceed, based on the company's certification, as described above. Nasdaq will also remind the market participants that Nasdaq prohibits market orders (other than by the Company) from the opening of a Direct Listing with a Capital Raise.

To assure that the issuer has the ability, prior to the completion of the offering, to provide any necessary additional disclosures that are dependent on the price of the offering, Nasdaq proposes to introduce to the operation of the Cross a brief Post-Pricing Period, in circumstances where the actual price calculated by the Cross is at or above the price that is 20% below the lowest price and below the lowest price of the price range established by the issuer in its effective registration statement; or is above the highest price of the price range established by the issuer in its effective registration statement. Specifically, in such circumstances, Nasdaq will initiate a Post-Pricing Period following the calculation of the actual price. During the Post-Pricing Period the issuer must confirm to Nasdaq that no additional disclosures are required under federal securities laws based on the actual price calculated by the Cross, with such confirmation ending the Post-Pricing Period. During the Post-Pricing Period no additional orders for the security may be entered in the Cross and no existing orders in the Cross may be modified. The security shall be released for trading immediately following the Post-Pricing Period. If the Company cannot provide the required confirmation, then Nasdaq will postpone and reschedule the offering. Nasdaq believes that this modification is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market because it will help assure that a company listing in connection with a Direct Listing with a Capital Raise complies with the disclosure requirements under federal securities laws and that investors receive all required information.

Nasdaq believes that the proposal to allow a Direct Listing with a Capital Raise to price above any price above the price range of the company's effective registration statement is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market investors because this approach is similar to that of pricing a traditional IPO. In addition, to protect investors Nasdaq proposes to enhance price discovery transparency by providing readily available, real time pricing information to investors. To that end Nasdaq will disseminate, free of charge, the Current Reference Price on a public website (such as Nasdaq.com) during the Pre-Launch Period and indicate whether the Current Reference Price is within the price range established by the issuer in its effective registration statement.

Nasdaq believes that the provision prohibiting market orders (other than by the Company) from the opening of a Direct Listing with a Capital Raise is designed to protect investors because this provision will assure that investors only purchase shares at a price that is at, or better than, the price they affirmatively set, after having the opportunity to review the Company's effective registration statement including the sensitivity analysis describing how the Company will use any additional proceeds raised.

Nasdaq also proposes to adopt a new Price Volatility Constraint and disseminate information about whether the Price Volatility Constraint has been satisfied, which will indicate whether the security may be ready to trade. The Price Volatility Constraint requires that the Current Reference Price has not deviated by 10% or more from any Current Reference Price within the previous 10 minutes. The Pre-Launch Period will continue until at least five minutes after the Price Volatility

[25] This function is provided by the underwriter in an IPO and by a Financial Advisor in a Direct Listing. The Commission previously approved Nasdaq performing this function. *See* Approval Order.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] In a recent speech, SEC Chair Gary Gensler emphasized that an overarching principle of regulation is that like activities ought to be treated alike. *See https://www.sec.gov/news/speech/gensler-healthy-markets-association-conference-120921.*

Constraint has been satisfied. Nasdaq will also introduce the Near Execution Price which is the Current Reference Price at the time the Price Volatility Constraint has been satisfied; and set the Near Execution Time at such time. This change will provide investors with notice that the Cross nears execution and a period of at least five minutes to modify their orders, if needed, based on the Near Execution Price, prior to the execution of the Cross and the pricing of the offering. Further, to help assure that the offering price does not deviate substantially from the Near Execution Price, Nasdaq proposes to require, in addition to other conditions described above, that the Cross may execute only if the actual price calculated by the Cross is within the 10% Price Collar. Nasdaq believes that these changes are designed to protect investors and the public interest because an investor participating in a Direct Listing with a Capital Raise will make their initial investment decision prior to the launch of the offering by setting the price in their limit order above which they will not buy shares in the offering, but will also have an opportunity to reevaluate their initial investment decision during the price formation process of the Pre-Launch Period based on the Near Execution Price. Under the proposed rule, such investor will have at least five minutes once the Near Execution Price has been set and before the offering may be priced by Nasdaq to modify their order, if needed. While the auction may take longer than this five minute period to complete, investors are protected during this time because the Price Volatility Constraint will reset if the actual price calculated by the Cross is more than 10% below or above the Near Execution Price. Once the Price Volatility Constraint has been satisfied, Nasdaq proposes to disseminate the Near Execution Price and the Near Execution Time on a public website, such as *Nasdaq.com*.

Nasdaq believes that the proposal to reset the Price Volatility Constraint, the Near Execution Price and the Near Execution Time in the circumstances described above is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market investors because in certain circumstances an imbalance between the buy and sell orders could sometimes cause the Current Reference Price to fall outside the 10% Price Collar after the Price Volatility Constraint has been satisfied. These provisions will protect investors by increasing the information available to them in connection with the price formation process during the opening auction.

To protect investors and increase transparency, Nasdaq also proposes to disseminate on a public website, such as *Nasdaq.com*, the 30-minute countdown from the Near Execution Time and indicate that the Near Execution Price and the Near Execution Time may be reset, as described above, if the security is not released for trading within 30 minutes of the Near Execution Time and the Current Reference Price at such time (or at any time thereafter) is outside the 10% Price Collar.

In addition, to protect investors and assure that they are informed about the attributes of a Direct Listing with a Capital Raise, Nasdaq proposes to impose specific requirements on Nasdaq members with respect to a Direct Listing with a Capital Raise. These rules will require members to provide to a customer, before that customer places an order to be executed in the Cross, a notice describing the mechanics of pricing a security subject to a Direct Listing with a Capital Raise in the Cross, including information regarding the dissemination of the Current Reference Price on a public website such as *Nasdaq.com*.

To assure that members have the necessary information to be provided to their customers, Nasdaq proposes to distribute, at least one business day prior to the commencement of trading of a security listing in connection with a Direct Listing with a Capital Raise, an information circular to its members that describes any special characteristics of the offering, and Nasdaq's rules that apply to the initial pricing through the mechanism outlined in Nasdaq Rule 4120(c)(9)(B) and Nasdaq Rule 4753 for the opening auction, including information about the notice they must provide customers and other Nasdaq rules that:

- Require members to use reasonable diligence in regard to the opening and maintenance of every account, to know (and retain) the essential facts concerning every customer and concerning the authority of each person acting on behalf of such customer; and
- require members in recommending transactions for a security subject to a Direct Listing with a Capital Raise to have a reasonable basis to believe that: (i) The recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such members, and (ii) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in such security.

These member requirements are consistent with the protection of investors because they are designed to remind members of its obligations to ''know their customers,'' increase transparency of the pricing mechanisms of a Direct Listing with a Capital Raise, and help assure that investors have sufficient price discovery information.

Nasdaq believes that the Commission Staff has already concluded that pricing up to 20% below the lowest price and at a price above the highest price of the price range in the company's effective registration statement is appropriate for a company conducting an initial public offering notwithstanding it being outside of the range stated in an effective registration statement, and investors have become familiar with this approach at least since the Commission Staff last revised Compliance and Disclosure Interpretation 227.03 in January 2009.[29] Allowing Direct Listings with a Capital Raise to similarly price up to 20% below the lowest price and at a price above the highest price of the price range in the company's effective registration statement would be consistent with Chair Gensler's recent call to treat ''like cases alike.''[30]

Nasdaq believes that the proposed amendments to Listing Rule IM–5315–2 and Rules 4753(a)(3)(A) and 4753(b)(2) to conform these rules to the modification of the Pricing Range Limitation is consistent with the protection of investors. These amendments would simply substitute Nasdaq's reliance on the price equal to the lowest price of the price range disclosed by the issuer in its effective registration statement to the price that is 20% below such lowest price, making it more difficult to meet the requirements. In the case of Listing Rule IM–5315–2, a company listing in connection with a Direct Listing with a Capital Raise would still need to meet all applicable initial listing requirements based on the price that is 20% below the lowest price of the price range disclosed by the issuer in its effective registration statement. In the case of the Rules 4753(a)(3)(A) and 4753(b)(2) such price, which is the minimum price at which the Cross will occur, will serve as the fourth tie-breaker where there are multiple prices that would satisfy the conditions for determining the auction price, as described above. Nasdaq believes that this proposal to resolve a potential tie among the prices that satisfy all other requirements in the

[29] *https://www.sec.gov/divisions/corpfin/guidance/securitiesactrules-interps.htm.*

[30] *See https://www.sec.gov/news/speech/gensler-healthy-markets-association-conference-120921.*

Cross, by choosing the price that is closest to the price that is 20% below the range, is consistent with Section 6(b)(5) of the Act because it is designed to protect investors by providing them with the most advantageous offering price among possible alternative prices.

Nasdaq also believes that the proposal, by eliminating an impediment to companies using a Direct Listing with a Capital Raise, will help removing potential impediments to free and open markets consistent with Section 6(b)(5) of the Exchange Act while also supporting capital formation.

Finally, Nasdaq believes that the proposal to clarify several provisions of the existing rules without changing them is designed to remove impediments to and perfect the mechanism of a free and open market because such changes make the rules easier to understand and apply without changing their substance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments would not impose any burden on competition, but would rather increase competition. Nasdaq believes that allowing listing venues to improve their rules enhances competition among exchanges. Nasdaq also believes that this proposed change will give issuers interested in this pathway to access the capital markets additional flexibility in becoming a public company, and in that way promote competition among service providers, such as underwriters and other advisors, to such companies.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2022–027 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NASDAQ–2022–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2022–027, and should be submitted on or before April 29, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–07466 Filed 4–7–22; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Women's Business Council; Notice of Public Meeting

AGENCY: Small Business Administration, National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The public meeting will be held on Tuesday, May 3, 2022, from 12:30 p.m. to 2:30 p.m. EDT.

ADDRESSES: Due to the coronavirus pandemic, this meeting will be held via Zoom, a web conferencing platform. The access link will be provided to attendees upon registration.

FOR FURTHER INFORMATION CONTACT: For more information, please visit the NWBC website at *www.nwbc.gov,* email *info@nwbc.gov* or Ana Argueta, *ana.argueta@sba.gov,* or call 202–205–3850.

The meeting is open to the public; however, advance notice of attendance is requested. To RSVP, please visit the NWBC website at *www.nwbc.gov.* The ''2022 Public Meetings'' section will feature a link to register on Eventbrite.

NWBC strongly encourages that public comments and questions be submitted in advance by April 27th. The Eventbrite registration page will include an opportunity to do so, but individuals may also email *info@nwbc.gov* with subject line—''[Name/Organization] Comment for 05/03/22 Public Meeting.'' NWBC staff will read the first five submitted statements during the final 20 minutes of the program.

During the live event, attendees will be in listen-only mode and may submit additional questions via the Q&A Chat feature. For technical assistance, please visit the Zoom Support Page. All public comments will be included in the meeting record, which will be made available on *www.nwbc.gov* under the ''2022 Public Meetings'' section.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, the National Women's Business Council (NWBC) announces its second public meeting of Fiscal Year 2022. The 1988 Women's Business Ownership Act established NWBC to serve as an independent

source of advice and policy recommendations to the President, Congress, and the Administrator of the U.S. Small Business Administration (SBA) on issues of importance to women entrepreneurs.

This meeting will allow the Council to hear from subject matter experts on issues related to women's entrepreneurship. It will also establish a framework for the work to be done and possible avenues for inquiry by the Council's three subcommittees. The public will have the opportunity to provide feedback.

Dated: April 4, 2022.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2022–07469 Filed 4–7–22; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11707]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Rodin in the United States: Confronting the Modern'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Rodin in the United States: Confronting the Modern'' at the Sterling and Francine Clark Art Institute, Williamstown, Massachusetts; the High Museum of Art, Atlanta, Georgia; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–07454 Filed 4–7–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11710]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''The Woman in White: Joanna Hiffernan and James McNeill Whistler'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''The Woman in White: Joanna Hiffernan and James McNeill Whistler'' at the National Gallery of Art, Washington, District of Columbia, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–07510 Filed 4–7–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11711]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, April 28, 2022. Based on federal and state guidance in response to the Coronavirus Disease 2019 (COVID–19) pandemic at the time the meeting was scheduled, the meeting will be held virtually. The virtual forum will open at 12:00 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The DTAG was established as an advisory committee under the authority of 22 U.S.C. 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. app.

The purpose of the meeting will be to discuss current defense trade issues and topics for further study. The following agenda topics will be discussed and final reports presented: (1) Provide industry perceptions of Controlled Unclassified Information (CUI) obligations and any inconsistencies, redundancies, or challenges/difficulties in implementing requirements or guidance, including areas that need clarification, (2) provide a recommendation for the modification or creation of an exemption that would allow an export and associated import (on a one-for-one basis) for defense articles to be exported to a foreign original equipment manager (OEM) for repair or replacement and imported into the United States as a replacement or repaired item, and (3) provide a list of terms that are used in the International Traffic in Arms Regulations (ITAR) but not defined, and for which the DTAG considers a definition to be a high priority.

The meeting will be held virtually via WebEx. There will be one WebEx invitation for each attendee, and only the invited attendee should use the

invitation. Please let us know if you need any of the following accommodations: Live captions, digital/text versions of webinar materials, or other (please specify).

Members of the public may attend this virtual session and may submit questions by email following the formal DTAG presentation. Members of the public may also submit a brief statement (less than three pages) to the committee in writing for inclusion in the public minutes of the meeting. Each member of the public that wishes to attend this session must provide: Name and contact information, including an email address and phone number, and any request for reasonable accommodation to the DTAG Designated Federal Officer (DFO), Deputy Assistant Secretary Michael Miller, via email at *DTAG@state.gov* by COB Tuesday, April 26, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Pecolia Henderson, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2748 or email *DTAG@state.gov.*

Zachary A. Parker,

Director, Office of Directives Management, U.S. Department of State.

[FR Doc. 2022–07512 Filed 4–7–22; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36600]

North Shore Railroad Company—Operation and Trackage Rights Exemption—Lines of SEDA-COG Joint Rail Authority and Norfolk Southern Railway Company, Including Interchange Commitment

North Shore Railroad Company (North Shore), a Class III rail carrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.41 to: (1) Operate approximately 7.7 miles of existing railroad track and right-of-way known as the Selinsgrove Industrial Track, extending from milepost 0.0 at Selinsgrove Junction, Pa., to milepost 7.7 in Kreamer, Pa., and an approximately 1.3-mile industrial spur known as the Power Plant Lead, both in Snyder County, Pa. (collectively, the Line), and (2) acquire incidental trackage rights over approximately 4.7 miles of track owned by Norfolk Southern Railway Company (NSR), on NSR's Buffalo Line, from milepost BR 258.6 at Sunbury, Pa., to milepost BR 263.3 at Selinsgrove Junction.

The Line is currently owned and operated by NSR and is being acquired by the SEDA-COG Joint Rail Authority (the Authority), a Pennsylvania municipal authority and noncarrier. The Authority has concurrently filed a verified notice of exemption to acquire the Line [1] in *SEDA-COG Joint Rail Authority—Acquisition Exemption with Interchange Commitment—Norfolk Southern Railway Company,* Docket No. FD 33602. The Authority and NSR have also entered into a Freight Service Easement Agreement (FSEA), providing the Authority an easement and right to operate freight rail service on the Line. According to the verified notice, the FSEA expressly contemplates that the Authority will enter into an agreement with a third-party operating railroad to operate the Line for the Authority. North Shore will be operating over the Line pursuant to an operating agreement with the Authority.

North Shore certifies that that the proposed transaction will not result in North Shore's becoming a Class I or Class II rail carrier and that the 60-day advance notice requirements of 49 CFR 1150.42 do not apply. North Shore certifies that the FSEA contains a provision that would limit future interchange with a third-party connecting carrier other than NSR at Northumberland. North Shore has provided additional information regarding the interchange commitment, as required by 49 CFR 1150.43(h).[2]

The earliest this transaction may be consummated is April 23, 2022, the effective date of the exemption (30 days after the verified notice was filed).

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 15, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36600, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on North Shore's representative, Richard A. Allen, KMA Zuckert, LLC, 888 Seventeenth Street NW, Suite 700, Washington, DC 20006.

According to North Shore, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: April 5, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–07562 Filed 4–7–22; 8:45 am]

BILLING CODE 4915–01–P

[1] According to the verified notice, the Power Plant Lead is currently an industrial spur line, the Authority's acquisition of which does not require Board authorization. However, the verified notice indicates that the Power Plant Lead is part of the Line for which North Shore seeks common carrier operating authority, as it will become a line of railroad subject to the Board's authority upon the effective date of the exemption.

[2] A copy of the FSEA containing the interchange commitment was filed under seal with the verified notice. *See* 49 CFR 1150.43(h)(1).

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36602]

SEDA-COG Joint Rail Authority—Acquisition Exemption With Interchange Commitment—Norfolk Southern Railway Company

SEDA-COG Joint Rail Authority (the Authority), a noncarrier, has filed a verified notice of exemption to permit the Authority to acquire approximately 7.7 miles of rail line from Norfolk Southern Railway Company (NSR), excluding interest in the real property, known as the Selinsgrove Industrial Track in Snyder County, Pa., extending from milepost 0.0, at Selinsgrove Junction, Pa., to milepost 7.7, in Kreamer, Pa. (the Line).[1]

According to the verified notice, the Authority is acquiring the Line from NSR pursuant to an asset purchase agreement. The Authority and NSR have also entered into a Freight Service Easement Agreement (FSEA), providing the Authority an easement and right to operate freight rail service on the Line and the PPL Track. According to the verified notice, the FSEA expressly contemplates that the Authority will enter into an agreement with a third-party operating railroad to operate the Line for the Authority. North Shore Railroad Company (North Shore), a

[1] The verified notice states that the Authority will also be purchasing from NSR certain track referred to as the Power Plant Lead (PPL Track), a 1.3-mile segment of 49 U.S.C. 10906 excepted spur track in Snyder County. The Authority states that, because the Board does not have authority over the acquisition of section 10906 track, the PPL Track need not be included as part of its notice of exemption but is referenced for informational purposes and will be converted from 49 U.S.C. 10906 spur track to 49 U.S.C. 10901 common carrier track as part of North Shore Railroad Company's operating exemption concurrently filed in Docket No. FD 36600, as discussed below.

Class III rail carrier, will operate over the Line pursuant to an operating agreement with the Authority and has concurrently filed a verified notice of exemption to operate the Line in *North Shore Railroad Company—Operation & Trackage Rights Exemption—Lines of SEDA-COG Joint Rail Authority & Norfolk Southern Railway Company, Including Interchange Commitment,* Docket No. FD 36600.[2]

The Authority certifies that its projected annual revenues from this transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million. The Authority further states that the FSEA contains an interchange commitment that would limit future interchange with a third-party carrier other than NSR, and the Authority has provided additional information regarding the interchange commitment as required by 49 CFR 1150.33(h).[3]

The earliest this transaction may be consummated is April 23, 2022, the effective date of the exemption (30 days after the verified notice was filed).

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 15, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36602, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on the Authority's representative, Peter A. Pfohl, Slover & Loftus LLP, 1224 Seventeenth Street NW, Washington, DC 20036.

According to the Authority, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: April 5, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–07553 Filed 4–7–22; 8:45 am]

BILLING CODE 4915–01–P

[2] The Authority states that it is not seeking operating authority over the Line. However, a grant of acquisition authority provides the necessary authority to conduct operations and imposes an obligation to provide service upon reasonable request. *See, e.g., Norfolk & W. Ry.—Acquis. Exemption—Consol. Rail Corp.,* FD 32957, slip op. at 1, n.2 (STB served Aug. 15, 1996); *City of Austin—Acquis.—S. Pac. Transp. Co.,* FD 30861, slip op. at 1–2 (ICC served Nov. 4, 1986).

[3] A copy of the FSEA containing the interchange commitment was filed under seal with the verified notice. *See* 49 CFR 1150.33(h)(1).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0611]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: FAA Advisory Circular 120–119, Voluntary Safety Management System for Other Regulated Entities Transporting Dangerous Goods by Air

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 8, 2021. The collection involves entities that voluntarily follow the guidance in FAA Advisory Circular (AC) 120–119, Voluntary Safety Management System (SMS) for Other Regulated Entities Transporting Dangerous Goods by Air, on how to use the SMS principles included in FAA regulations, as a basis to develop and implement a voluntary SMS program and how to submit such a voluntary program to the FAA's Office of Hazardous Materials Safety (AXH) for acceptance. Information received from the first collection will be used to determine consistency with FAA SMS regulations. With the exception of a one-time submission of an implementation plan, the data will not be submitted to the FAA. The records for Safety Policy, Safety Risk Management, and Safety Assurance processes, training, and communications are kept under Safety Promotion and will be kept by the organization and used in its SMS.

DATES: Written comments should be submitted by May 9, 2022.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Andrea Giordani, Security and Hazardous Materials Safety, Office of Hazardous Materials Safety (AXH–002), Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267–3770.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: To be determined.

Title: Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: FAA Advisory Circular 120–119, Voluntary Safety Management System for Other Regulated Entities Transporting Dangerous Goods by Air.

Form Numbers: N/A.

Type of Review: Clearance of a new information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 8, 2021 (86 FR 30514). Advisory Circular (AC) No. 120–119 provides information on how entities subject to the regulatory requirements of Title 49 of the Code of Federal Regulations (CFR) parts 171–180 (*e.g.,* entities performing functions such as, but not limited to, handling or shipping of dangerous goods by air and hereinafter referred to as ''other regulated entities'') may choose to implement voluntarily a Safety Management System (SMS) as described in Title 14 CFR, part 5—Safety Management Systems.

AC 120–119 addresses general SMS principles and explains certain regulatory requirements outlined in 14 CFR part 5. While part 5 does not apply

to voluntary SMS programs, it describes the general SMS framework and serves as a non-binding basis for the development and implementation of voluntary SMS programs. The AC provides guidance to organizations on how to use SMS principles included in part 5 as a basis to develop and implement a voluntary SMS program and how to submit such a voluntary program to the FAA's Office of Hazardous Materials Safety (AXH) for acceptance.

Each organization that implements a voluntary SMS program would collect and analyze safety data and maintain training and communications records for its SMS. Data and records are essential for an SMS. Any organization that volunteers for this process would maintain records of SMS outputs, training records, and communications materials used to promote safety. An organization may create a gap analysis to identify what already exists within that organization and what needs to be created to complete the SMS implementation plan. The organization's implementation plan is submitted once to FAA for approval. As needed, other information may be requested or submitted as part of ongoing SMS evaluation.

Respondents: The FAA estimates that a total of three companies will voluntarily implement an SMS.

Frequency: The FAA assumes that the implementation plan is a one-time burden that takes place over three (3) years for organizations that choose to comply.

Estimated Average Burden per Response: 6,680 hours reporting and 170 hours recordkeeping.

Estimated Total Annual Burden: 20,040 hours reporting and 510 hours recordkeeping.

For the estimated total annual burden, the prior notice contained a miscalculation of 6,120 hours of recordkeeping. This notice corrects that miscalculation to 510 hours of recordkeeping.

Issued in Washington, DC, on April 5, 2022.

Daniel Benjamin Supko,

Executive Director, FAA, Office of Hazardous Materials Safety.

[FR Doc. 2022–07574 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0082]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: CALLIE MARIE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0082 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0082 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0082, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel CALLIE MARIE is:

—*Intended Commercial Use of Vessel:* ''Recreational passenger charters.''
—*Geographic Region Including Base of Operations:* ''Florida, Tennessee''. (Base of Operations: Nashville, TN)
—*Vessel Length and Type:* 69′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0082 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0082 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for

new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07486 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0092]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: BLUE DOUBLOON (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0092 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0092 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0092, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel BLUE DOUBLOON is:

—*Intended Commercial Use of Vessel:* ''We will be providing private day sails around the San Juan Bay area. Sails will be 2–4 hours long.''
—*Geographic Region Including Base of Operations:* ''Puerto Rico''. (Base of Operations: San Juan, PR)
—*Vessel Length and Type:* 40′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0092 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0092 or visit the Docket

Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07485 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0090]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: SEA LA VIE (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0090 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0090 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0090, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel SEA LA VIE is:

—*Intended Commercial Use of Vessel:* ''SEA LA VIE will have US licensed crew and fully insured UPV 12pax day trips and 8pax overnights when applicable within Southern California local coastal waters.''

—*Geographic Region Including Base of Operations:* ''California''. (Base of Operations: Los Angeles, CA)

—*Vessel Length and Type:* 75′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0090 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search

MARAD–2022–0090 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07498 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0091]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: AYE CLAUDIA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0091 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0091 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0091, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel AYE CLAUDIA is:

—*Intended Commercial Use of Vessel:* ''Boat cruises around Lake Union, Lake Washington and Elliott Bay in addition to UW Football games and other Seattle holidays. Planning on 12 guests with 3 plus crew to run vessel safely.''

—*Geographic Region Including Base of Operations:* ''Washington''. (Base of Operations: Seattle, WA)

—*Vessel Length and Type:* 71.3′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0091 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search

MARAD–2022–0091 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07484 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0089]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: PHARMASEA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0089 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0089 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0089, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel PHARMASEA is:

—*Intended Commercial Use of Vessel:* ''Fishing charters on Lake Michigan.''
—*Geographic Region Including Base of Operations:* ''Wisconsin and Michigan''. (Base of Operations: Sturgeon Bay, WI)
—*Vessel Length and Type:* 38′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0089 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0089 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that

you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07496 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0081]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: THE GRAND DUCHESS (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0081 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0081 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0081, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel THE GRAND DUCHESS is:

—*Intended Commercial Use of Vessel:* ''To be used as a UPV charter vessel—NOT FOR FISHING. Just cruising on the intercoastal waters of Little River, South Carolina. The vessel will not be in the ocean and will not carry more than 6 passengers.''

—*Geographic Region Including Base of Operations:* ''South Carolina''. (Base of Operations: Little River, SC)

—*Vessel Length and Type:* 51′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0081 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0081 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07489 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0085]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: WAT–B–BETTER (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0085 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0085 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0085, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel WAT–B–BETTER is:

—*Intended Commercial Use of Vessel:* ''Six passengers or less with captain for half day charter, full day charter, and the occasional longer charter for reef snorkeling, dolphin watching, and sailing cruises.''

—*Geographic Region Including Base of Operations:* ''Florida''. (Base of Operations: Key West, FL)

—*Vessel Length and Type:* 41.2′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0085 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach

additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0085 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07499 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0079]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MAKING WAVES (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0079 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0079 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0079, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MAKING WAVES is:

—*Intended Commercial Use of Vessel:* ''Private use with occasional private charter.''

—*Geographic Region Including Base of Operations:* ''Massachusetts, Rhode Island, Florida, Connecticut, New York, Maine, New Hampshire''. (Base of Operations: Falmouth, MA)

—*Vessel Length and Type:* 49′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0079 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary.

There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0079 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07493 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0080]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: JENICA (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0080 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0080 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0080, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel JENICA is:

—*Intended Commercial Use of Vessel:* ''Boat charters.''

—*Geographic Region Including Base of Operations:* ''Puerto Rico''. (Base of Operations: Puerto del Rey Fajardo, PR)

—*Vessel Length and Type:* 47′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0080 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0080 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07490 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0087]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ODETTE (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0087 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0087 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0087, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ODETTE is:

—*Intended Commercial Use of Vessel:* ''I will be doing occasional charters in Long Island Sound, New Jersey, New York, Rhode Island, and Massachusetts. My charters are only 2 times a week and only for 3 hours.''

—*Geographic Region Including Base of Operations:* ''New Jersey, New York, Rhode Island, Massachusetts''. (Base of Operations: Jersey City, NJ)

—*Vessel Length and Type:* 57′ Sail

The complete application is available for review identified in the DOT docket as MARAD 2022–0087 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach

additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0087 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07495 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0077]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MAKO II (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0077 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0077 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0077, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MAKO II is:

—*Intended Commercial Use of Vessel:* ''The intended commercial use of the vessel is to transport passengers up to six people and do snorkel tours on the east side of Puerto Rico to Cayo Santiago and Vieques Island.''

—*Geographic Region Including Base of Operations:* ''Puerto Rico'' (Base of Operations: Naguabo, PR)

—*Vessel Length and Type:* 34′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0077 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary.

There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0077 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07494 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0086]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: RELIANT (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0086 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2022–0086 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0086, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel RELIANT is:

—*Intended Commercial Use of Vessel:* ''Day sail charters and sail lessons.''
—*Geographic Region Including Base of Operations:* ''California, Florida, Tennessee''. (Base of Operations: Louisville, KY)
—*Vessel Length and Type:* 51′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0086 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0086 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov*. Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy*. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07497 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0078]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: MAGIC STAR (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0078 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2022–0078 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0078, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov*.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel MAGIC STAR is:

—*Intended Commercial Use of Vessel:* ''Day charter/carrying passengers for site seeing, swimming, relaxation, etc.''

—*Geographic Region Including Base of Operations:* ''Florida, Illinois''. (Base of Operations: Miami Beach, FL)

—*Vessel Length and Type:* 61.5′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0078 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0078 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07492 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0088]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: ECLIPSE CHASER (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0088 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0088 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0088, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel ECLIPSE CHASER is:

—*Intended Commercial Use of Vessel:* ''Day charters, overnight trips, sailing lessons.''
—*Geographic Region Including Base of Operations:* ''Texas, Florida''. (Base of Operations: La Porte, TX)
—*Vessel Length and Type:* 52′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0088 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0088 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07487 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0083]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: FOLLOW THAT DREAM (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0083 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0083 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0083, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel FOLLOW THAT DREAM is:

—*Intended Commercial Use of Vessel:* ''Coastal/Coastwise sailing.''

—*Geographic Region Including Base of Operations:* ''Florida, Georgia, South Carolina, North Carolina, Virginia''. (Base of Operations: Fernandina Beach, FL)

—*Vessel Length and Type:* 41′ Sail (Catamaran)

The complete application is available for review identified in the DOT docket as MARAD 2022–0083 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary.

There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0083 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07488 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2022–0084]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: LILIKOI (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 9, 2022.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2022–0084 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2022–0084 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2022–0084, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–459, Washington, DC 20590. Telephone 202–366–5723, Email *James.Mead@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel LILIKOI is:

—*Intended Commercial Use of Vessel:* ''Vessel will be used for luxury day and night cruises. We will specialize on historical landmarks and sightseeing. This vessel is built to be stable and sea friendly and at this time there is no other US made vessel in my area's of operation that can provide this level service and enjoyment to its clientele.''

—*Geographic Region Including Base of Operations:* ''Hawaii, Florida''. (Base of Operations: Honolulu, HI)

—*Vessel Length and Type:* 46′ Motor

The complete application is available for review identified in the DOT docket as MARAD 2022–0084 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your

comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2022–0084 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–07491 Filed 4–7–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Guidance Regarding Unauthorized Access to Customer Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''Notice Regarding Unauthorized Access to Customer Information.''

DATES: Comments must be submitted on or before June 7, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0227, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0227'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' drop down menu. Click on ''Information Collection Review.'' From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0227'' or ''Guidance Regarding Unauthorized Access to Customer Information.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each revision or extension of an existing

collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Guidance Regarding Unauthorized Access to Customer Information.

OMB Control No.: 1557–0227.

Description: Section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)) requires the OCC to establish appropriate standards for national banks relating to administrative, technical, and physical safeguards: (1) To insure the security and confidentiality of customer records and information; (2) to protect against any anticipated threats or hazards to the security or integrity of such records; and (3) to protect against unauthorized access to, or use of, such records or information that could result in substantial harm or inconvenience to any customer.

The Interagency Guidelines Establishing Information Security Standards, 12 CFR part 30, appendix B (Security Guidelines), which implement section 501(b), require each entity supervised by the OCC (supervised institution) to consider and adopt a response program, as appropriate, that specifies actions to be taken when the supervised institution suspects or detects that unauthorized individuals have gained access to customer information systems.

The Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice (Breach Notice Guidance),[1] which interprets the Security Guidelines, states that, at a minimum, a supervised institution's response program should contain procedures for:

(1) Assessing the nature and scope of an incident, and identifying what customer information systems and types of customer information have been accessed or misused;

(2) Notifying its primary Federal regulator as soon as possible when the supervised institution becomes aware of an incident involving unauthorized access to, or use of, sensitive customer information;

(3) Notifying appropriate law enforcement authorities in situations involving Federal criminal violations requiring immediate attention, such as when a reportable violation is congoing, consistent with the OCC's Suspicious Activity Report regulations;

(4) Taking appropriate steps to contain and control the incident in an effort to prevent further unauthorized access to, or use of, customer information, for example, by monitoring, freezing, or closing affected accounts, while preserving records and other evidence; and

(5) Notifying customers when warranted.

The Breach Notice Guidance states that, when a financial institution becomes aware of an incident of unauthorized access to sensitive customer information, the institution should conduct a reasonable investigation to promptly determine the likelihood that the information has been or will be misused. If the institution determines that the misuse of its information about a customer has occurred or is reasonably possible, it should notify the affected customer as soon as possible.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 20.

Total Estimated Annual Burden: 720 hours.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–07478 Filed 4–7–22; 8:45 am]

BILLING CODE 4810–33–P

[1] 12 CFR part 30, appendix B, supplement A.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Disclosure and Reporting of CRA-Related Agreements

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). Pursuant to the PRA, an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning its information collection titled ''Disclosure and Reporting of CRA-Related Agreements.''

DATES: Comments must be received by June 7, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0219, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0219'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will

publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

• *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' tab and click on ''Information Collection Review'' dropdown. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0219'' or ''Disclosure and Reporting of CRA-Related Agreements.''

Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the extension of the collection of information set forth in this document.

Title: Disclosure and Reporting of CRA-Related Agreements.

OMB Control No.: 1557–0219.

Description: National banks, Federal savings associations, and their affiliates occasionally enter into agreements with nongovernmental entities or persons (NGEPs) that are related to their Community Reinvestment Act (CRA) responsibilities. Section 48 of the Federal Deposit Insurance Act (FDI Act) requires disclosure of certain of these agreements and imposes related reporting requirements on insured depository institutions (IDIs), their affiliates, and NGEPs.[1]

Section 48 of the FDI Act generally applies to written agreements that: (1) Are made in fulfillment of the CRA; (2) involve funds or other resources of an IDI or affiliate with an aggregate value of more than $10,000 in a year or loans with an aggregate principal value of more than $50,000 in a year;[2] and (3) are entered into by an IDI or affiliate and an NGEP.[3]

Under section 48, the parties to a covered agreement must make the covered agreement available to the public and the appropriate Federal banking agency.[4] This section also requires the parties to file a report annually with the appropriate Federal banking agency concerning the disbursement, receipt, and use of funds or other resources under the agreement.[5]

As mandated by the FDI Act, the OCC, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System issued regulations to implement section 48. The OCC's regulation, codified at 12 CFR 35, is known as the ''CRA Sunshine'' regulation. The disclosure and reporting provisions of this regulation, which are collections of information under the PRA, implement the statutorily mandated disclosure and reporting requirements.

The information collections are found in 12 CFR 35.4(b); 35.6; and 35.7, and they require:

• IDIs or affiliates to notify each NGEP that is a party to a covered agreement that the agreement concerns a CRA affiliate;

• NGEPs and IDIs or affiliates to make a copy of a covered agreement available to any individual or entity upon request;

• NGEPs to provide a copy of the covered agreement within 30 days of receiving a request from the relevant supervisory agency;

• Each IDI and affiliate to provide each relevant supervisory agency with a copy of each covered agreement or a list of all covered agreements entered into during a calendar quarter within 60 days of the end of the calendar quarter;[6] and

• Annual reporting by NGEPs, IDIs or affiliates concerning the disbursement, receipt, and uses of funds under each covered agreement.

The parties to a covered agreement may request confidential treatment of proprietary and confidential information in a covered agreement or annual report and may withhold from public disclosure confidential or proprietary information in a covered agreement.[7]

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 9.

Estimated Total Annual Burden: 534.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–07479 Filed 4–7–22; 8:45 am]

BILLING CODE P

[1] 12 U.S.C. 1831y.

[2] The definition includes groups of substantially related agreements that satisfy these amounts in the aggregate.

[3] 12 U.S.C. 1831y(e). The statutory definition of ''agreement'' excludes any agreement entered into with an NGEP ''who has not commented on, testified about, or discussed with the institution, or otherwise contacted the institution, concerning the [CRA].'' *Id.*

[4] 12 U.S.C. 1831y(a).

[5] 12 U.S.C. 1831y(b)–(c).

[6] If providing a list of covered agreements, the IDI or affiliate must provide a copy and public version of any agreement referenced in the list to any relevant supervisory agency within seven calendar days of receiving a request from the agency.

[7] 12 CFR 35.6(b)(2), 35.8; *see* 12 U.S.C. 1831y(h)(2)(A).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Lending Limits

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take the opportunity to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Lending Limits.''

DATES: Comments must be submitted on or before June 7, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0221, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0221'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period. You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over the ''Information Collection Review'' drop-down menu. Click on ''Information Collection Review.'' From the ''Currently under Review'' drop-down menu, select ''Department of Treasury'' and then click ''Submit.'' This information collection can be located by searching by OMB control number ''1557–0221'' or ''Lending Limits.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Lending Limits.

OMB Control No.: 1557–0221.

Affected Public: Businesses or other for-profit.

Type of Review: Extension of a currently approved collection.

Abstract: 12 CFR 32.7(a) provides that, in addition to the amount that a national bank or savings association may lend to one borrower under 12 CFR 32.3, an eligible bank or savings association may make:

- Residential real estate loans or extensions of credit to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a State bank or savings association is permitted to lend under the State lending limit that is available for residential real estate loans or unsecured loans in the State where the main office of the national bank or savings association is located. Any such loan or extension of credit must be secured by a perfected first-lien security interest in 1–4 family real estate in an amount that does not exceed 80 percent of the appraised value of the collateral at the time the loan or extension of credit is made;
- Loans to small businesses to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a State bank is permitted to lend under the State lending limit that is available for loans to small businesses or unsecured loans in the State where the main office of the national bank or home office of the savings association is located; and
- Loans or extensions of credit to small farms to one borrower in the lesser of the following two amounts: 10 percent of its capital and surplus; or the percent of its capital and surplus, in excess of 15 percent, that a State bank or savings association is permitted to lend under the State lending limit that is available for loans or extensions of credit to small farms or unsecured loans in the State where the main office of the national bank or savings association is located.

An eligible national bank or savings association must submit an application to, and receive approval from, its supervisory office before using the supplemental lending limits in 12 CFR 32.7(a)(1)–(3). The supervisory office may approve a completed application if it finds that approval is consistent with safety and soundness. Section 32.7(b) provides that, in order for an application to be deemed complete, the application must include:

- Certification that the bank or savings association is an ''eligible bank'' or ''eligible savings association;''
- Citations to relevant state laws or regulations;
- A copy of a written resolution by a majority of the bank's or savings association's board of directors approving the use of the limits in

§ 32.7(a) and confirming the terms and conditions for use of this lending authority; and

• A description of how the board will exercise its continuing responsibility to oversee the use of this lending authority.

12 CFR 32.9(b)(1) outlines three alternative methods (the Internal Model Method, the Conversion Factor Matrix Method, and the Current Exposure Method) for national banks and savings associations to use in calculating the credit exposure of non-credit derivative transactions. 12 CFR 32.9(c) outlines two alternative methods for national banks and savings associations to use in calculating credit exposure arising from their securities financing transactions.

Under 12 CFR 32.9(b)(1)(i)(C), the use of a model (other than the model approved for purposes of the Advanced Measurement Approach in the capital rules) must be approved in advance and in writing by the OCC specifically for part 32 purposes. If a national bank or savings association proposes to use an internal model that has been approved by the OCC for purposes of the Advanced Measurement Approach, the institution must provide prior written notification to the OCC prior to use of the model for lending limits purposes. OCC approval also is required for any substantive revisions to an approved model before that model is used for lending limit purposes.

Estimated Number of Respondents: 295.

Estimated Annual Burden: 1,958 hours.

All comments will be considered in formulating the subsequent submission and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–07482 Filed 4–7–22; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov*.

DATES: The meeting will be held April 27, 2022.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov.*

FOR FURTHER INFORMATION CONTACT: Robin B. Lawhorn, 400 West Bay Street, Suite 252, Jacksonville, FL 32202. Telephone (904) 661–3198 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held virtually by *ZoomGov*.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Andrew J. Keyso Jr.,

Chief, Independent Office of Appeals.

[FR Doc. 2022–07456 Filed 4–7–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8910

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 general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8910, Alternative Motor Vehicle Credit.

DATES: Written comments should be received on or before June 7, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or by email to *omb.unit@irs.gov.* Please include the ''OMB Number 1545–1998'' in the Subject Line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–4542 or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Alternative Motor Vehicle Credit.

OMB Number: 1545–1998.

Form Number: 8910.

Abstract: Taxpayers will file Form 8910 to claim the credit for certain alternative motor vehicles placed in service during the tax year. The credit attributable to depreciable property (vehicles used for business or investment purposes) is treated as a general business credit. Any credit not attributable to depreciable property is treated as a personal credit. Taxpayers that are not partnerships or S corporations, and whose only source of this credit is from those pass-through entities, are not required to complete or file this form. They can report the credit directly on line 1r in Part 111 of form 3800.

Current Actions: There are no changes to this form.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, Business or other for-profit organizations, Not-for-profit institutions, farms, Federal Government and State, Local or Tribal Government.

Estimated Number of Responses: 22,183.

Estimated Time per Response: 5 hours, 56 minutes.

Estimated Total Annual Burden Hours: 131,543 hours.

The following paragraph applies to all of 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 as long as 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.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 4, 2022.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2022–07571 Filed 4–7–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Opinion Letter Applications for Pre-Approved Plans

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests 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 public is invited to submit comments on these requests.

DATES: Comments must be received on or before May 9, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

1. Title: Opinion Letter Applications for Pre-Approved Plans.

OMB Control Number: 1545–0169.

Type of Review: Revision of a currently approved collection.

Description: The IRS uses these forms to determine whether the provider or mass submitter of a pre-approved defined contribution plan qualifies under section 401(a) of the Internal Revenue Code for plan approval. The application is also used to apply for approval of their employee benefit plans of standardized or nonstandardized pre-approved plans under section 403(b) and their related trust as exempt from Federal income tax under Code section 501(a).

Form Number: IRS Forms 4461, 4461–A, 4461–B, 4461–C and Attachments.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 2,925.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 2,925.

Estimated Time per Response: 9 hours up to 58 hours.

Estimated Total Annual Burden Hours: 39,153.

Authority: 44 U.S.C. 3501 *et seq.*

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2022–07483 Filed 4–7–22; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act; Meeting

TIME AND DATE: April 14, 2022, 12:00 p.m. to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 958 7403 6554, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/meeting/register/tJElcO2orT0vH9CxBiNWU-YxkpaZBRY7ISG8.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Audit Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—Audit Subcommittee Chair

The Audit Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Audit Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Audit Subcommittee Chair

For Discussion and Possible Audit Subcommittee Action

The Agenda will be reviewed, and the Subcommittee will consider adoption of the agenda.

Ground Rules

➢ Subcommittee action only to be taken in designated areas on the agenda.

IV. Review and Approval of Subcommittee Minutes From the December 2, 2021 Meeting—Audit Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the December 2, 2021 Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

V. Proposal To Revise the UCR Handbook Regarding Calculating Fees and New Market Entrants—Audit Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Audit Subcommittee Chair will discuss potential revisions to the UCR Handbook regarding terminology used for calculating the UCR fees based on the 6-tier system, and new entrants into the market. The Audit Subcommittee may consider action to recommend revisions to the UCR Board of the UCR Handbook calculating UCR fees and when new market entrants are subject to payment of UCR.

VI. Proposal To Revise the Relevant Time-Period Described in the UCR Handbook—Audit Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Audit Subcommittee Chair will discuss potential revisions to the UCR Handbook regarding the relevant time-period to use for determination of the size of a carrier fleet, for purposes of its UCR tier used to register for UCR. The Audit Subcommittee may consider action to recommend revisions to the UCR Board of the UCR Handbook regarding relevant time-period to use for determination of the size of a carrier fleet for purposes of its UCR tier used to register for UCR.

VII. Proposal To Revise the UCR Handbook Regarding Lightweight or Other Non-Commercial Motor Vehicles—Audit Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Audit Subcommittee Chair will discuss potential revisions to the UCR Handbook regarding the definition of lightweight or other non-commercial motor vehicles. The Audit Subcommittee may consider action to recommend revisions of the UCR Handbook to the UCR Board regarding lightweight or other non-commercial motor vehicles.

VIII. Maximizing the Value of the Shadow MCMIS Tools—Audit Subcommittee Chair and DSL Transportation Services, Inc. (''DSL'')

The Subcommittee Chair and DSL will provide an update on the value achieved by utilizing the Shadow MCMIS tools in the National Registration System. The discussion will highlight the financial value to the states by vetting businesses for UCR compliance, commercial registration, IFTA, intrastate, and interstate operating authority.

IX. Review States' Audit Compliance Rates for Registration Years 2021 and 2022—UCR Audit Subcommittee Chair

The UCR Subcommittee Chair will review audit compliance rates for the states for registration years 2021 and 2022 and related compliance percentages for Focused Anomaly Reviews (''FARs'') Module, retreat audits and registration compliance percentages.

X. Open Discussion Regarding Ways and Means To Increase UCR Registration Percentages—Audit Subcommittee Chair

The Audit Subcommittee Chair will lead a discussion to share state resources (auditors and other contacts), leveraging partner relationships, auditing tools, and other ideas to increase UCR registration percentages to promote compliance and fairness within the industry.

XI. Introduction of the New UCR Depository Auditors—UCR Depository Manager

The UCR Depository Manager will lead a discussion to introduce the new independent auditing firm, Warren Averett CPAs and Advisors, to the Audit Subcommittee. The Audit Subcommittee is the UCR subcommittee which has governance oversight for the Depository audit process.

XII. Other Items—Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

XIII. Adjournment—Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, April 6, 2022 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2022–07669 Filed 4–6–22; 11:15 am]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act (5 U.S.C. App. 2), that a virtual meeting of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on Monday, May 23–Tuesday, May 24, 2022. The meeting sessions will begin and end as follows:

Date:	Time (eastern standard time):
May 23, 2022 ..	9:00 a.m.–1:00 p.m.
May 24, 2022 ..	9:00 a.m.–1:30 p.m.

The virtual meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On May 23, 2022, the Committee will convene open virtual sessions on Overview of the Federal Advisory Committee Act; Chiropractic Care; and Spinal Cord Injury and Disorders System of Care. The Committee will also hear greeting from Veteran Health Administration (VHA) Senior Leadership on the Secretary's priorities.

On May 24, 2022, the Committee members will convene open virtual sessions on Clinical Orthotic and Prosthetic Services; Physical Medicine and Rehabilitation; Polytrauma System of Care; and Amputation System of Care.

No time will be allocated at this virtual meeting for receiving oral presentations from the public. However, the public may submit 1–2-page summaries of their written statements for the Committee's review. Public comments may be received no later than May 16, 2022, for inclusion in the official meeting record. Please send these comments to Dr. Lauren Racoosin, Designated Federal Officer, Rehabilitation and Prosthetic Services, Veterans Health Administration, at *Lauren.Racoosin@va.gov.*

Members of the public should contact Dr. Lauren Racoosin, at *Lauren.Racoosin@va.gov,* and provide your name, professional affiliation, email address, and phone number, who wish to obtain a copy of the agenda. For any members of the public that wish to attend virtually, they may use the WebEx link: *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=mcbf371e6df08d87e4d6d66c350a60c73,* meeting number (access code) 2761 941 8151; meeting password: urNYcxs3@86 audio only: 404.397.1596/27619418151##. Real time closed captioning will be available.

Dated: April 4, 2022.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2022–07476 Filed 4–7–22; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 87 Friday,

No. 68 April 8, 2022

Part II

Department of Transportation

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards; Final Rule

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 192 and 195

[Docket No. PHMSA–2013–0255; Amdt. Nos. 192–130; 195–105]

RIN 2137–AF06

Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detection Standards

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Final rule.

SUMMARY: PHMSA is revising the Federal Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore gas transmission, Type A gas gathering, and hazardous liquid pipelines with diameters of 6 inches or greater. In the revised regulations, PHMSA requires operators of these lines to install rupture-mitigation valves (*i.e.,* remote-control or automatic shut-off valves) or alternative equivalent technologies, and establishes minimum performance standards for those valves' operation to prevent or mitigate the public safety and environmental consequences of pipeline ruptures. This final rule establishes requirements for rupture-mitigation valve spacing, maintenance and inspection, and risk analysis. The final rule also requires operators of gas and hazardous liquid pipelines to contact 9–1–1 emergency call centers immediately upon notification of a potential rupture and conduct post-rupture investigations and reviews. Operators must also incorporate lessons learned from such investigations and reviews into operators' personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. PHMSA is promulgating these regulations in response to congressional directives following major pipeline incidents where there were significant environmental consequences or losses of human life. The revisions are intended to achieve better rupture identification, response, and mitigation of safety, greenhouse gas, and environmental justice impacts.

DATES: The effective date of this final rule is October 5, 2022.

FOR FURTHER INFORMATION CONTACT: Technical questions: Steve Nanney, Senior Technical Advisor, by telephone at 713–272–2855. General information: Robert Jagger, Senior Transportation Specialist, by telephone at 202–366–4361.

SUPPLEMENTARY INFORMATION:

I. Executive Summary
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I. Executive Summary

A. Purpose of the Regulatory Action

This final rule is the culmination of a decade-long PHMSA rulemaking effort responding to congressional mandates, National Transportation Safety Board (NTSB) recommendations, and Government Accountability Office (GAO) recommendations to revise the Federal Pipeline Safety Regulations at 49 Code of Federal Regulations (CFR) parts 192 and 195 to prevent the catastrophic loss of life, property damage, and environmental harm experienced from ruptures on large-diameter hazardous liquid and natural gas pipelines, such as those that occurred near Marshall, MI, and San Bruno, CA, in 2010.

This final rule codifies a suite of design and performance standards prescribing the installation, operation, and spacing of rupture-mitigation valves (RMV) or alternative equivalent technologies on most new or entirely replaced, onshore, large-diameter (6 inches or greater), gas transmission, Type A gas gathering, and hazardous liquid pipelines.[1] The final rule also requires operators of all gas and hazardous liquid pipelines to modify their emergency plans to ensure immediate and direct contact of 9–1–1 emergency call centers, or coordinating government officials, on notification of a potential rupture. PHMSA expects this final rule's regulatory amendments will ensure operators of pertinent gas and hazardous liquid pipelines take prompt identification, isolation, and mitigation actions with respect to unintentional or uncontrolled, large-volume releases of gas or hazardous liquids during a pipeline rupture. The safety enhancements in this final rule, therefore, are expected to improve public safety, reduce threats to the environment (including, but not limited to, reduction of greenhouse gas (GHG) emissions released during ruptures of natural gas pipelines), and promote environmental justice for minority populations, low-income populations, or other underserved and disadvantaged communities.

Recent pipeline ruptures with catastrophic consequences underscore the importance of prompt identification, isolation, and mitigation actions in reducing the amount of product released—and by extension, the loss of life, property damage, and environmental harm—from ruptures on hazardous liquid and natural gas pipelines. One such rupture occurred on July 25, 2010, in Marshall, MI, resulting in a release of approximately 800,000 gallons of crude oil into the Kalamazoo River and approximately $1 billion in property and environmental damages.[2] The operator, Enbridge Energy, LP (Enbridge), took 18 hours to confirm the

[1] For the purposes of this final rule, references to diameter are to the outside diameter of the pipe. Similarly, subsequent references in this final rule to gas transmission, Type A gas gathering, and hazardous liquid pipelines will, for brevity, generally omit the qualifications (onshore, 6-inch diameter) appearing in the statement of the final rule's scope above. Lastly, references within this final rule to ''hazardous liquid pipelines'' will, unless otherwise stipulated, include carbon dioxide pipelines because both hazardous liquid and carbon dioxide pipelines are subject to 49 CFR part 195 requirements.

[2] NTSB, Accident Report PAR–12/01, ''Enbridge Incorporated: Hazardous Liquid Pipeline Rupture and Release; Marshall, MI: July 25, 2010'' (July 10, 2012), *https://www.ntsb.gov/investigations/AccidentReports/Reports/PAR1201.pdf.*

pipeline rupture following the initial alarms received by the control room operators. Once Enbridge confirmed the rupture, the failed segment was immediately isolated using installed remote-control shut-off valves (RCV).

Another rupture occurred on September 9, 2010, in San Bruno, CA, when a gas transmission pipeline ruptured, causing an explosion that killed 8 people, sent 51 other people to the hospital, destroyed 38 homes and damaged 70 others, and caused the evacuation of approximately 300 homes. According to the NTSB report on that incident,[3] the initial 9–1–1 notification call by the public was made within one minute of the rupture, which occurred at 6:11 p.m. The response crew assembled to operate valves and isolate the rupture did not reach the first valve site until 7:20 p.m. According to the California Public Utilities Commission (CPUC) report on the incident, the operator, Pacific Gas and Electric (PG&E), did not confirm that the incident was a pipeline rupture until 7:25 p.m., when PG&E employees in the field, at dispatch, and in the company's supervisory control and data acquisition (SCADA)[4] center confirmed that a PG&E gas transmission line had failed.[5] After multiple valve closures, PG&E isolated the ruptured pipeline segment at 7:46 p.m., 95 minutes after the rupture initiated.[6] This delay in closing the valves allowed the fire to burn unabated and hampered emergency response efforts.

These rupture events highlight the need for more robust protections in the Federal Pipeline Safety Regulations for identifying, isolating, and mitigating catastrophic pipeline failures. First, there is a need for better and more timely rupture isolation and mitigation equipment and methods. PG&E's failure to close isolation valves rapidly after the rupture at San Bruno diminished its ability to mitigate the consequences of the failure, allowing the fire to burn unabated for 95 minutes following the initial rupture, with firefighting operations continuing for an additional 2 days after the rupture occurred. Second, there is need for operators to identify promptly that a rupture has occurred and respond quickly to mitigate its consequences. Enbridge had remote-control isolation valves installed on its ruptured oil pipeline at the time the spill occurred near Marshall, MI, but its failure to confirm and respond to the rupture promptly rendered that technology essentially useless.

After these spill events, the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (2011 Pipeline Safety Act; Pub. L. 112–90) was enacted. The legislation contained several mandates to improve pipeline safety. In particular, PHMSA is required to issue regulations requiring the use of automatic shut-off valves (ASV) or RCVs, or equivalent technology, on newly constructed or replaced gas transmission and hazardous liquid pipeline facilities. *See* 49 U.S.C. 60102(n). That statutory mandate was subsequently revisited, establishing a new deadline for PHMSA to issue a final rule (*see* 49 U.S.C. 60102 note).

In developing this final rule, PHMSA considered NTSB safety recommendations following the PG&E incident; GAO recommendations on the ability of operators to respond to commodity releases in high-consequence areas (HCA);[7] technical reports commissioned by PHMSA on valves and leak detection;[8] [9] comments received on related topics through advance notices of proposed rulemaking (ANPRM) and the notice of proposed rulemaking (NPRM) published in February 2020;[10] and feedback from members of the public, environmental advocacy organizations, State pipeline safety regulators, and industry representatives during Gas Pipeline Advisory Committee and Liquid Pipeline Advisory Committee meetings.

B. Summary of the Major Provisions of the Regulatory Action

This final rule prescribes installation and spacing requirements for ASVs and RCVs (collectively, rupture-mitigation valves, or RMVs) as well as for alternative equivalent technology. The requirements apply to most newly constructed, or entirely replaced, onshore pipelines with diameters of 6 inches or greater, including natural gas transmission pipelines, Type A gas gathering pipelines, and hazardous liquid pipelines (including certain regulated hazardous liquid gathering pipelines). In this final rule, PHMSA has defined an ''entirely replaced'' pipeline as a pipeline that has 2 or more miles being replaced with new pipe within any stretch of 5 contiguous miles within any 24-month period.

The rule also defines ASVs and RCVs as RMVs. PHMSA did not identify specific technologies that operators might use as alternative equivalent technologies for the purposes of this rulemaking, but PHMSA is requiring that such alternative technologies meet the performance standard for RMVs, to include the ability to immediately enable isolation of a rupture—in 30 minutes or less, measured from an operator's identification of a rupture after notification of a potential rupture.

Operators of pipelines subject to the requirements of this final rule may request to install alternative equivalent technologies if they can demonstrate within a notification for PHMSA review that site-specific installation of an alternative equivalent technology would provide an equivalent level of safety to an RMV. Those notifications must be submitted in advance of installation of that technology, and must demonstrate an equivalent level of safety by reference to technical and safety factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures; technology design and operating characteristics such as operation times (closure times for manual valves); service reliability and life; accessibility to operator personnel; nearby population density; and potential consequences to the environment and the public. Further, should an operator request use of manual valves as an alternative equivalent technology, the notification submitted to PHMSA must also demonstrate the economic, technical, or operational infeasibility of installation of an RMV by reference to

[3] NTSB, Accident Report PAR–11/01, ''Pacific Gas and Electric Company; Natural Gas Transmission Pipeline Rupture and Fire; San Bruno, CA; September 9, 2010'' (Aug. 30, 2011), *https://www.ntsb.gov/investigations/AccidentReports/Reports/PAR1101.pdf.*

[4] Most pipeline operators utilize a SCADA system to run their operations. These are computer-based systems used by a controller in a control room that collects and displays information about a pipeline facility and may have the ability to send commands back to the pipeline facility. *See* 49 CFR 192.3 and 195.2.

[5] CPUC, ''Sept. 9, 2010 PG&E Pipeline Rupture in San Bruno, CA'' (Jan. 12, 2012), *https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_website/Content/Safety/Natural_Gas_Pipeline/News/AgendaStaffReportreOIIPGESanBrunoExplosion.pdf.*

[6] The CPUC also noted that the backfeed to the line and the gas feeds to a related distribution system were not closed until 7:52 p.m. and 11:32 p.m., respectively.

[7] GAO, ''Pipeline Safety: Better Data and Guidance Needed to Improve Pipeline Operator Incident Response'' (Jan. 2013), *https://www.gao.gov/assets/660/651408.pdf.* An HCA, briefly, is an area with higher population density or contains an area of cultural significance or where people would congregate at a certain frequency (*e.g.,* churches, playgrounds, schools, hospitals, etc.). *See* § 192.903.

[8] Oak Ridge National Laboratory (ORNL), ORNL/TM–2012/411, ''Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves and Hazardous Liquids and Natural Gas Pipelines with Respect to Public and Environmental Safety'' (Oct. 31, 2012), *https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/16701/finalvalvestudy.pdf.*

[9] Kiefner and Associates, Inc., Report No. 12–173, ''Leak Detection Study—DTPH56–11–D–000001'' (Dec. 10, 2012), *https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/technical-resources/pipeline/16691/leak-detection-study.pdf.*

[10] 85 FR 7162 (Feb. 6, 2020) (NPRM).

factors such as access to communications and power; terrain; prohibitive cost; labor and component availability; ability to secure required land access rights and permits; and accessibility to operator personnel for installation and maintenance.

For regulated rural hazardous liquid gathering pipelines,[11] at this time, PHMSA is requiring the installation of RMVs or alternative equivalent technology only where such pipelines cross bodies of water more than 100 feet in width from high water mark to high water mark. For hazardous liquid pipelines in general, this final rule establishes valve spacing thresholds both within and outside of HCAs and provides valve spacing limits for highly volatile liquid (HVL) pipelines in populated areas. PHMSA has recently issued a final rule in a separate rulemaking that will update its regulations that affect all types of gas gathering pipelines.[12]

For gas transmission and Type A gas gathering pipelines, the RMV or alternative equivalent technology installation requirements will not apply if the pipeline segment is in a Class 1 or Class 2 location and has a potential impact radius (PIR) less than or equal to 150 feet. PHMSA understands that the lower operating pressures characteristic of Type B gas gathering pipelines involve risk profiles comparable to the Type A gas gathering pipelines exempted from the final rule's installation and operational requirements. Therefore, the final rule similarly exempts Type B gas gathering pipelines from the RMV or alternative equivalent technology installation requirements. The final rule also exempts Type C gas gathering lines from those requirements, as that designation was established by the Gas Gathering final rule—which was published well after the publication of the NPRM for this rulemaking.

Additionally, for each gas pipeline whose operator, in response to a class location change, chooses to replace 2 or more miles of pipe within a contiguous 5-miles to meet the maximum allowable operating pressure (MAOP) requirements of the new class location, the operator would be required to install or otherwise modify existing valves as necessary to comply with the valve spacing requirements and rupture mitigation requirements of this final rule.[13] The final rule provides operators replacing smaller pipeline segments following a change in class location more flexibility: Operators replacing between 1,000 feet and 2 miles may either install RMVs, or they may automate existing valves with automatic or remote-control actuators and pressure sensors (with a maximum spacing of 20 miles). And the final rule's RMV installation and spacing requirements do not apply to those pipe replacements that amount to less than 1,000 feet within any single mile during any 24-month period.

This final rule also establishes Federal minimum safety performance standards for the identification of ruptures, pipeline segment isolation, and other mitigative actions, for pipelines on which RMVs or alternative equivalent technology are installed pursuant to this rulemaking. Relevant new requirements include: (1) A definition of the term ''notification of potential rupture'' to identify signs of an uncontrolled release of a large volume of commodity observed by, or reported to, the operator; (2) establishing written procedures for identifying and responding to a rupture; (3) responding to an identified rupture by closing RMVs or alternative equivalent technology, to provide complete valve shut-off and segment isolation as soon as practicable, but no more than 30 minutes after rupture identification; (4) performing post-event reviews of any incidents/accidents or other failure events involving the closure of RMVs or alternative equivalent technologies to ensure the performance objectives of this rule are met and to apply any lessons learned system-wide; (5) performing maintenance on RMVs and alternative equivalent technology, which includes drills for alternative equivalent technology that is manually or locally operated; and (6) remediation measures for repair or replacement of inoperable RMVs and alternative equivalent technologies, including an RMV or alternative equivalent technology that cannot maintain shut-off, as soon as practicable.

This final rule also requires operators of all gas and hazardous liquid pipelines subject to the emergency planning requirements at §§ 192.615 and 195.402, respectively, to update their emergency response plans to provide for immediate and direct notification of appropriate public safety answering points (9–1–1 emergency call centers) for the communities and jurisdictions in which a rupture is located following the notification of a potential rupture. Similarly, the final rule requires all gas and hazardous liquid pipelines subject to failure investigation requirements at §§ 192.617 and 195.402, respectively, to conduct post-rupture investigations and reviews, and to incorporate lessons learned from such investigations and reviews into their personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

C. Costs and Benefits

Consistent with Executive Order 12866 (''Regulatory Planning and Review''),[14] PHMSA has prepared an assessment of the benefits and costs of this final rule, as well as reasonable alternatives. The Regulatory Impact Analysis (RIA) developed by PHMSA in support of this final rule, and which is available in the rulemaking docket, estimates the annual costs of the rule to be approximately $5.9 million, calculated using a 7 percent discount rate. In the RIA, costs are aggregated by compliance method to estimate total costs, by year, for the baseline and the final rule. The incremental effect of this rulemaking is estimated by taking the difference in total costs relative to the baseline. Costs are then aggregated across all years in the analysis period and annualized. The costs reflect the installation of valves on certain newly constructed and entirely replaced gas and hazardous liquid pipelines, as well as incremental programmatic changes that operators will need to make to incorporate the proposed rupture identification and response procedures.

PHMSA provides a qualitative discussion of the benefits of this rulemaking in the RIA.[15] PHMSA expects this final rule's regulatory amendments will compel operators of

[11] A regulated rural hazardous liquid gathering pipeline is defined in § 195.11 as an onshore gathering line in a rural area that meets all of the following criteria: (1) A nominal diameter from 6⅝ to 8⅝ inches; (2) located in or within ¼ mile of an unusually sensitive area, as that term is defined in § 195.6; and (3) operating at a maximum pressure established under § 195.406 corresponding to a stress level greater than 20 percent of the specified minimum yield strength (SMYS) of the line pipe or, if the stress level is unknown or the pipeline is not constructed with steel pipe, a pressure of more than 125 psig.

[12] ''Pipeline Safety—Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and Other Related Amendments,'' 86 FR 63266 (Nov. 15, 2021) (''Gas Gathering final rule'').

[13] Class locations, defined at § 192.5, are determined depending on the number of dwellings within 220 yards on either side of a pipeline and reflect the population density around the pipeline.

[14] 58 FR 51735 (Oct. 4, 1993).

[15] PHMSA explains in the RIA that, although the Environmental Assessment for this rulemaking provides illustrative quantifications of avoided greenhouse gas emissions from this final rule, PHMSA's evaluation of the greenhouse gas emissions within its cost-benefit analysis is on the basis of qualitative assessment of those avoided emissions.

pertinent natural gas and hazardous liquid pipelines to take prompt identification, isolation, and mitigation actions with respect to unintentional or uncontrolled, large-volume releases of natural gas or hazardous liquids during a pipeline rupture. The safety enhancements in this final rule, therefore, are expected to improve public safety, reduce threats to the environment (including, but not limited to, reduction of greenhouse gas emissions released during ruptures of natural gas pipelines), and promote environmental justice for minority populations, low-income populations, or other underserved and disadvantaged communities. PHMSA has, therefore, determined that these (unquantified) public safety, environmental, and equity benefits of the final rule described in this final rule and its supporting RIA and Environmental Assessment justify the costs of the final rule.

II. Background

A. Pipeline Ruptures

Although pipelines are generally considered to be an efficient and relatively safe means of transporting natural gas and hazardous liquids,[16] they can experience large-volume, uncontrolled releases that can have severe consequences. Such rupture events can be aggravated by some combination of: Missed opportunities by the operator to identify that a rupture has occurred; the failure of operating personnel to take appropriate actions once a rupture has been identified; delays in accessing and closing available pipeline segment isolation valves; and an inability quickly to close isolation valves that would have the most significant impact in mitigating the consequences of a rupture. Typically, these types of events where a significant amount of time passes between initiation and isolation of a rupture have been the most serious in terms of monetary and environmental damages and safety consequences. The Marshall, MI, and San Bruno, CA, incidents are examples of rapid failure events with large-volume releases on high-pressure, large-diameter pipelines with serious consequences exacerbated by delays in identification and isolation of the ruptures.

The intent of this final rule is to require design and equipment elements and improved operational practices for quick and efficient identification of ruptures, that in turn will improve rupture mitigation and shorten rupture isolation times for certain gas transmission, gathering, and hazardous liquid pipelines. Rupture isolation time, as it is discussed in this final rule, is the time it takes an operator to identify a rupture after a notification of potential rupture, implement response procedures, and fully close the appropriate valves to terminate the uncontrolled flow of commodity from the ruptured pipeline segment.

PHMSA and NTSB investigations of recent natural gas transmission and hazardous liquid pipeline ruptures have identified issues relating to the timeliness of rupture identification and the appropriateness and timeliness of operators' responses to identified ruptures. Typically, no single event contributes to the deficiencies in rupture identification and response. Instead, there are multiple contributing factors associated with the technology, design, equipment, procedures, or human elements that result in inadequate rupture identification and response efforts. In some rupture scenarios, certain aspects of an operator's rupture identification or response efforts appeared adequate, but other issues, such as delayed access to isolation valves, resulted in an inadequate response overall.

For example, in the Enbridge accident near Marshall, MI, the pipeline operator had installed a leak detection system (LDS) and SCADA system that notified the operator of a potential rupture within minutes of the actual event, but issues related to the operator's procedures, training, and personnel response resulted in an 18-hour lapse before the operator confirmed the rupture and initiated mitigating actions. In the PG&E incident in San Bruno, CA, the operator effectively identified through its LDS or SCADA systems that there was in fact a rupture, but then took another 95 minutes to isolate it. This delay proved catastrophic due to the time required for confirming the existence of the rupture, assembling response personnel, traveling to the valve site, and closing the valve to isolate the pipeline segment—during which time a fire resulting from the rupture burned unabated. The NTSB's report on that incident noted that PG&E lacked a detailed and comprehensive procedure for responding to large-scale emergencies such as a transmission pipeline break, and that the use of ASVs or RCVs would have reduced the amount of time taken to stop the flow of gas.

Prior to those rupture events, the NTSB noted similar issues related to rupture response in its report on an incident occurring on March 23, 1994, in Edison Township, NJ.[17] In the Edison incident, the operator took nearly 2½ hours to stop the flow of natural gas from a ruptured pipeline in a highly-populated area. The fire that followed the rupture destroyed 8 buildings, caused the evacuation of approximately 1,500 apartment residents, and resulted in more than $25 million (approximately $40 million in 2020 dollars) worth of property damage. The NTSB report quotes the operator of that pipeline in saying that it could typically notify employees to close valves within 5 to 10 minutes after identifying a rupture, and that the time it took to close a manual valve depended on the employee's travel time to the valve site: Its employees could usually arrive at a valve site within 15 to 20 minutes, but in some instances it could take more than an hour for employees to arrive at certain valve locations after being dispatched. With this in mind, the NTSB concluded that the lack of automatic or remote-operated valves on the ruptured line prevented the operator from promptly stopping the flow of gas to the failed pipeline segment, which exacerbated damage to nearby property. Subsequently, the NTSB recommended to PHMSA's predecessor, the Research and Special Programs Administration, that it expedite establishing requirements for installing automatic or remote-operated valves on high-pressure pipelines in urban and environmentally sensitive areas to provide for rapid shutdown of failed pipeline systems.

B. National Transportation Safety Board Recommendations

In its report on the PG&E gas transmission pipeline incident that occurred in San Bruno, CA, the NTSB issued safety recommendations P–11–8 through P–11–20 to PHMSA.[18] Pertaining to this rulemaking, NTSB safety recommendation P–11–10 recommended that PHMSA require operators to equip their SCADA systems with tools, including leak detection systems and appropriately spaced flow and pressure transmitters along covered transmission lines, to identify leaks (and ruptures); and NTSB safety recommendation P–11–11 recommended PHMSA require operators

[16] *See* PHMSA, Letter to Congress, Report on Shipping Crude Oil by Truck, Rail, and Pipeline at 2 (Oct. 2018), *https://www7.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/70826/report-congress-shipping-crude-oil-truck-rail-and-pipeline-32019.pdf.*

[17] NTSB, PAR–95–01, ''Pipeline Accident Report; Texas Eastern Transmission Corporation Natural Gas Pipeline Explosion and Fire; Edison, New Jersey'' (Jan. 18, 1995), *https://www.ntsb.gov/investigations/AccidentReports/Reports/PAR9501.pdf.*

[18] *See supra* note 3.

install ASVs or RCVs in HCAs and Class 3 and 4 locations, with the valve spacing based on risk analysis.

PHMSA determined that, although the NTSB directed these recommendations to a rupture on a gas transmission pipeline, certain aspects of these recommendations are also applicable to ruptures on gas gathering and hazardous liquid pipelines, including the regulated hazardous liquid gathering pipelines regulated under part 195. PHMSA took these recommendations into account when developing this final rule by requiring that RMVs and alternative equivalent technologies be capable of having their status controlled or monitored (directly, or indirectly via the upstream pressure, and the downstream pressure) remotely,[19] and by requiring the installation of RMVs, or equivalent alternative technologies, at intervals of no more than 8 miles in Class 4 locations and 15 miles in Class 3 locations.

C. Advance Notices of Proposed Rulemaking

PHMSA published two ANPRMs seeking comments regarding the revision of provisions in the Federal Pipeline Safety Regulations governing safety of hazardous liquid pipelines and natural gas pipelines.[20] PHMSA responded to pertinent comments received on the ANPRMs in Section III of the NPRM preceding this final rule. PHMSA addressed other topics raised in the hazardous liquid and gas transmission ANPRMs within other rulemakings, as appropriate.

D. 2011 Pipeline Safety Act and Related Studies

Sections 4 and 8 of the 2011 Pipeline Safety Act established statutory requirements relating directly to topics addressed in the ANPRMs discussed previously. This final rule responds to those statutory mandates. PHMSA also considered the GAO Report No. GAO–13–168, ''Better Data and Guidance Needed to Improve Pipeline Operator Incident Response'' and ORNL Report/TM–2012/411, ''Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves on Hazardous Liquids and Natural Gas Pipelines With Respect to Public and Environmental Safety'' which were performed in response to the 2011 Pipeline Safety Act and are discussed further below.

i. Section 4—Automatic and Remote-Controlled Shut-Off Valves

Section 4 of the 2011 Pipeline Safety Act directs the Secretary of Transportation (Secretary), if appropriate, to require by regulation the use of ASVs or RCVs, or equivalent technology, where it is economically, technically, and operationally feasible, on hazardous liquid and gas transmission pipeline facilities that are constructed or entirely replaced after the date on which the Secretary issues the final rule containing such requirements. This final rule addresses this mandate by establishing minimum standards for the installation of RMVs or alternative equivalent technology on specified newly constructed or entirely replaced, onshore pipelines that have diameters of 6 inches or greater, including gas transmission pipelines, Type A gas gathering pipelines, hazardous liquid pipelines, and certain regulated hazardous liquid gathering lines.

a. GAO Report GAO–13–168

Section 4 of the 2011 Pipeline Safety Act required the development of a study by the Comptroller General on the ability of pipeline operators to respond to a hazardous liquid or gas release from a pipeline segment located in an HCA. In this study, published in January 2013, the GAO recommended PHMSA take the following two actions:

1. Improve the reliability of incident response data to improve operators' incident response times, and use this data to evaluate whether to implement a performance-based framework for incident response times; and

2. Assist operators in determining whether to install automated valves by using PHMSA's existing information sharing mechanisms to alert all pipeline operators of inspection and enforcement guidance that provides additional information on how to interpret regulations on automated valves, and share approaches used by operators for making decisions on whether to install automated valves.

The GAO report noted that defined performance-based goals, established with reliable data and sound agency assessments, could result in improved operator response to incidents, with ASV and RCV installation and use being one of the determining factors. The GAO further noted that PHMSA's then-current regulations for incident response and installation and use of ASVs and RCVs employed broadly-stated performance standards, requiring operators to respond to incidents in a ''prompt and effective manner,''[21] and requiring operators to install ASVs, RCVs, or emergency flow restricting devices (EFRD) if an operator determines, through risk analysis, such valves are necessary to protect HCAs.[22]

More clearly defined goals can help operators identify actions that could improve their ability to respond to certain types of incidents consistently and promptly, though identical incident response actions are not appropriate for all circumstances due to variable locations, equipment needs, configurations, and operating conditions of pipeline facilities. PHMSA agrees with the GAO's conclusions that more precise performance-based standards, in conjunction with carefully selected requirements, could be more effective in improving incident response times, particularly when ruptures are involved.

The GAO report also concluded that the primary advantage of installing and using automated valves is that operators can respond more quickly to isolate the affected pipeline segment and reduce the amount of commodity released. Although the report suggested that using automated valves can have certain disadvantages, including the potential for accidental closures, which makes it appropriate for operators to decide whether to install automated valves on a case-by-case basis, the report recognized that a faster incident response time could reduce the amount of property damage from secondary fires (after an initial pipeline rupture) by allowing fire departments to extinguish the fires sooner. For hazardous liquid pipelines, a faster incident response time could also result in lower costs for environmental remediation efforts and less commodity loss.

PHMSA applied these principles and the GAO's findings and recommendations in developing the standards in this final rule. The amendments in this final rule also include specific post-event review requirements in §§ 192.617 and 195.402. Operators must make those post-event reviews available for PHMSA to inspect, and PHMSA would be able to use those reviews to inform future rulemakings and guidance documents.

[19] As discussed later in this document, for ASVs, an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or gas flow rate on the pipeline to identify and locate a rupture. Pipeline segments that use an alternative equivalent technology must have the capability to monitor pressures or gas flow rates on the pipeline to identify and locate a rupture.

[20] 75 FR 63774 (Oct. 18, 2010) (pertaining to hazardous liquid pipelines within docket PHMSA–2010–0229), and 76 FR 53086 (Aug. 25, 2011 (pertaining to natural gas pipelines within docket PHMSA–2011–0023).

[21] For natural gas and hazardous liquid pipelines, §§ 192.615(a)(3) and 195.402(e)(2), respectively.

[22] Requirements for ASV and RCV installation on gas transmission pipelines are at § 192.935(c), and requirements for EFRD installation for hazardous liquid pipelines are at § 195.452(i)(4).

b. Studies for the Requirements of Automatic and Remotely Controlled Shutoff Valves and Hazardous Liquids and Natural Gas Pipelines With Respect to Public and Environmental Safety

In March 2012, PHMSA commissioned a study to assess the effectiveness of timely operation of automatic and remote-controlled shut-off valves recommended by the NTSB in its report on the PG&E incident and mandated by section 4 of the 2011 Pipeline Safety Act for mitigating the public safety and environmental consequences of natural gas and hazardous liquid pipeline releases. That study, whose conclusions were memorialized in the above-captioned report, also evaluated the economic, technical and operational feasibility and potential benefits of installing ASVs and RCVs in newly constructed and entirely replaced pipelines. The study concluded that:

1. In general, installing ASVs and RCVs on newly constructed and entirely replaced natural gas transmission and hazardous liquid pipelines is technically feasible, provided sufficient space is available for the valve body, actuators, power source, sensors and related electronic equipment, and personnel required to install and maintain the valve; and is operationally feasible, provided the communication links between the RCV site and the control room are continuous and reliable.

2. There is evidence that it is economically feasible to install ASVs and RCVs on newly constructed and entirely replaced natural gas transmission and hazardous liquid pipelines, and the benefits would exceed the costs for the release scenarios (guillotine-type breaks on gas transmission pipelines with diameters of 12 and 42 inches in HCAs of all class locations, as well as on hazardous liquid pipelines with diameters of 8 and 30 inches in HCAs) considered in the study. However, the study noted that it is necessary to consider site-specific variables in determining whether installing ASVs or RCVs on newly constructed or entirely replaced pipelines is economically feasible for a particular situation and pipeline.

3. Installing ASVs and RCVs on newly constructed and entirely replaced natural gas and hazardous liquid pipelines can be an effective strategy for mitigating potential fire consequences resulting from a release and subsequent ignition. Adding automatic closure capability to valves on newly constructed or entirely replaced hazardous liquid pipelines can also be an effective strategy for mitigating potential socioeconomic and environmental damage resulting from a release that does not ignite.

4. For hazardous liquid pipelines, installing ASVs and RCVs can be an effective strategy for mitigating potential fire damage resulting from a pipe opening-type breaks [23] and subsequent ignition, provided the leak is detected and the appropriate ASVs and RCVs close completely so that the damaged pipeline segment is isolated within 15 minutes after the break.

PHMSA used the conclusions of that report in developing this rulemaking and as a basis for implementing standards for valve installation per section 4 of the 2011 Pipeline Safety Act.

ii. Section 8—Leak Detection

Section 8 of the 2011 Pipeline Safety Act required the Secretary to submit to Congress a report on LDSs used by operators of hazardous liquid pipeline facilities, including transportation-related flow lines, and to establish technically, operationally, and economically feasible standards for the capability of LDSs to detect leaks.

PHMSA responded to the 2011 Pipeline Safety Act's section 8 mandate by commissioning a leak detection study.[24] The study examined LDSs used by operators of hazardous liquid and natural gas transmission pipelines and included an analysis of the technical limitations of current LDSs, the ability of the systems to detect ruptures and small leaks that are ongoing or intermittent, and what can be done to foster development of better technologies. It also reviewed the practicality of establishing technically, operationally, and economically feasible standards for LDS capabilities. The study addressed five tasks defined by PHMSA:

1. Assess past incidents to determine if additional LDSs would have helped to reduce the consequences of the incident;

2. Review installed and currently available LDS technologies, along with their benefits, drawbacks, and ability to be retrofitted on existing pipelines;

3. Study current LDS operational practices used by the pipeline industry;

4. Perform a cost-benefit analysis of deploying LDSs on existing and new pipelines; and

5. Study existing LDS industry standards and international regulations to determine what gaps exist and if additional standards are needed to cover LDSs over a larger range of pipeline categories.

The authors of the study were tasked only to report data and technical and cost aspects of LDSs. Although the study did not provide any specific conclusions or recommendations related to leak detection system standards, the study acknowledged that pressure/flow monitoring (leak detection techniques) will consistently and reliably catch large volume, uncontrolled release events such as ruptures. Consistent with the study findings, PHMSA has established regulations requiring RMVs and alternative equivalent technologies to be outfitted with equipment or other means to monitor valve status, commodity pressures, and flow rates.

The study also noted that operator procedures may have allowed ignoring alarms, restarting pumps, or opening valves during large releases. PHMSA addresses this concern in this rulemaking by requiring operators to confirm that a rupture is occurring following any one of the criteria specified in a new regulatory definition for the ''notification of [a] potential rupture.'' The final rule also provides for post-incident reviews that can help operators determine how best to implement lessons learned system-wide and assist PHMSA in providing industry-wide guidance regarding overarching performance issues.

E. 2020 Valve Rule NPRM

On February 6, 2020, PHMSA published the NPRM seeking public comments on the revision of the Federal Pipeline Safety Regulations applicable to the safety of certain gas transmission, gas gathering, and hazardous liquid pipelines. Specifically, the proposed language created a RMV installation requirement for onshore, newly constructed and entirely replaced gas and hazardous liquid pipelines, including gathering pipelines, with diameters of 6 inches or greater. Additionally, PHMSA proposed to shorten pipeline segment isolation times in response to rupture events. PHMSA proposed a definition for ''rupture'' and outlined standards related to rupture identification and pipeline segment isolation, including establishing a 40-minute maximum RMV closure time and a 10-minute rupture identification threshold.

In the NPRM, PHMSA also proposed requirements for RMV maintenance and inspection, spacing, risk analysis, post-incident investigation and review, and local 9–1–1 notification to help operators achieve better rupture

[23] A break in the pipeline that involves the opening of the pipe in either the circumferential or longitudinal direction.

[24] *See supra* note 9.

response and mitigation. When developing the proposals in the NPRM, PHMSA considered the relevant comments it received on the ANPRMs, as well as the related NTSB recommendations, congressional mandates, and related studies. A summary of the NPRM proposals and topics, the comments received on those specific proposals, and PHMSA's response to the comments received is set forth in Section III.

F. Subsequent Legislative Deadlines; Recent Executive Orders and Actions

Congress has revisited the rulemaking mandate in the 2011 Pipeline Safety Act in subsequent legislation. Specifically, Congress directed PHMSA to issue a final rule no later than December 20, 2020 (*see* 49 U.S.C. 60102 note). In addition, in the joint explanatory statement accompanying the Consolidated Appropriations Act for FY 2021 (Pub. L. 116–120; December 27, 2020), the conferees expressed ''disappointment'' that PHMSA had not met the December 20 deadline, and specified that PHMSA should issue a final rule within 180 days of enactment (*i.e.,* by June 25, 2021).[25]

The President has also issued a series of Executive Orders emphasizing the importance of public safety, environmental protection, and GHG reduction in Federal policymaking. Executive Order 13990 (''Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis'')[26] announced the Administration's policy to, among other things, improve public health and protect the environment, reduce greenhouse gas emissions, and prioritize environmental justice. Executive Order 14008 (''Tackling the Climate Crisis at Home and Abroad'')[27] stated the Administration's policy that climate considerations will be an essential element of United States foreign policy and national security. The order also stated the Administration's policy to organize and deploy the full capacity of Federal agencies to combat the climate crisis, using a Government-wide approach. The President also announced a new target for reductions in national GHG emissions (a 50–52 percent reduction from 2005 levels in economy-wide net greenhouse gas pollution in 2030) to combat climate change, highlighting the importance of reducing emissions of greenhouse gases other than carbon dioxide, including methane, to deliver fast climate benefits.[28] Lastly, the Administration touted the GHG emissions reduction benefits of this rulemaking within the U.S. Methane Emissions Reduction Action Plan.[29]

III. NPRM Comments, Pipeline Advisory Committee Recommendations, and PHMSA Responses

The comment period for the NPRM ended on April 6, 2020. PHMSA received approximately 30 submissions to the docket commenting on the NPRM, including comments from major industry trade associations and others following advisory committee meetings as discussed below. PHMSA also accepted stakeholders' requests to discuss this rulemaking in meetings memorialized in the rulemaking docket. Consistent with § 190.323, PHMSA considered all of these comments given their relevance to the rulemaking and the absence of additional expense or delay resulting from considering any late-filed comments.

Some of the comments PHMSA received in response to the NPRM were beyond the scope of the proposed regulations. In this final rule, PHMSA does not address the comments on pipeline safety issues that were beyond the scope of the NPRM; however, that does not mean that PHMSA determined the comments lack merit or do not support additional rules or amendments. Such issues may be the subject of other existing rulemaking proceedings or may be addressed in future rulemaking proceedings.

The Technical Pipeline Safety Standards Committee (commonly known as the Gas Pipeline Advisory Committee, or the GPAC) and the Liquid Pipeline Advisory Committee (LPAC) are statutorily mandated (5 U.S.C. App. 1–16; 49 U.S.C. 60115) advisory committees tasked with advising and commenting on PHMSA's proposed safety standards, risk assessments, and safety policies for natural gas and hazardous liquid pipelines, respectively, prior to their final adoption. Each Committee consists of 15 members, with membership equally divided among Federal and State agencies, regulated industry, and the public. The committees consider the ''technical feasibility, reasonableness, cost-effectiveness, and practicability'' of each proposed pipeline safety standard and provide PHMSA with recommended actions pertaining to those proposals.

On July 22 and 23, 2020, the GPAC and the LPAC (collectively, the ''Committees'') met virtually to discuss this rulemaking. During the meetings, the Committees considered the specific regulatory proposals in the NPRM and discussed various comments submitted in the rulemaking docket on those proposals, including alternative regulatory language, from the pipeline industry, public interest groups, and government entities. Interested members of the public and other stakeholders were permitted to comment on the NPRM's proposals during the open portion of each meeting prior to the closed Committee discussions and voting. At the end of their closed discussions of each of the principal elements of the rulemaking, the Committees voted on whether to recommend PHMSA's adoption of the language proposed in the NPRM, or a variation thereon, as technically feasible, reasonable, cost-effective, and practicable.

This section discusses the substantive comments on the NPRM that were submitted to the docket, the GPAC and LPAC recommendations, as well as any comments received from stakeholders in writing or during meetings with PHMSA personnel before issuance of this final rule.[30] They are organized by topic and include PHMSA's response to, and resolution of, those comments.

A. General Comments, Scope, Applicability, and Cost-Benefit Issues

1. Summary of Proposal

In the NPRM, PHMSA proposed to make changes to parts 192 and 195 that applied to many regulated gas transmission, gas gathering, and hazardous liquid pipelines (including regulated rural hazardous liquid gathering pipelines).

[25] 166 Cong. Rec. H8823 (daily ed. Dec. 21, 2020) (joint explanatory statement on Consolidated Appropriations Act of FY 2021).

[26] 86 FR 7037 (Jan. 20, 2021).

[27] 86 FR 7619 (Feb. 1, 2021).

[28] *See, e.g.,* White House, ''Fact Sheet: President Biden Sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-Paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies'' (Apr. 21, 2021), *https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/.*

[29] White House, ''U.S. Methane Emissions Reduction Action Plan'' at 7 (Nov. 2021), *https://www.whitehouse.gov/wp-content/uploads/2021/11/US-Methane-Emissions-Reduction-Action-Plan-1.pdf.*

[30] Those written comments, and summaries for the meetings, may be found in the rulemaking docket. PHMSA notes those comments and meeting summaries largely recapitulate positions submitted in written comments on the NPRM or during the GPAC/LPAC meetings.

2. Comments Received

(i) General Support and Criticism

Commenters largely supported the content and intent of the NPRM while also submitting more specific comments on individual topics and specific requests for revision, which are summarized in subsequent sections. Industry organizations were supportive of PHMSA's intent to enhance pipeline safety by improving rupture mitigation and shorten rupture isolation times for certain natural gas and hazardous liquid pipelines. The American Fuel and Petrochemical Manufacturers (AFPM) indicated that their members rely on an uninterrupted, affordable supply of crude oil and natural gas as feedstocks to maintain their competitiveness and economic activity, and that therefore, it is important to prevent pipeline safety incidents that can disrupt supply.

The Kentucky Oil and Gas Association (KOGA) supported, in particular, the regulatory certainty provided by the rule, citing the importance of a clear framework to inform future business decisions. Additionally, the Clean Air Council and the National Association of Pipeline Safety Representatives (NAPSR) indicated support for the NPRM, the clarity it provides, and PHMSA's attention to human health and safety as well as the environment in regulating the transportation of gas and hazardous materials via pipeline across the United States.

A broad, general criticism was that the same language, criteria, and requirements are unnecessarily restated in numerous sections of the NPRM, and that the NPRM could be improved by consolidating or removing duplicative language. Other criticisms included the scope of the rule and its applicability to gathering lines, as discussed in more detail in this section.

(ii) Scope: General

The NTSB stated that, although Safety Recommendation P–11–10 specifically called for PHMSA to require leak detection equipment on gas transmission and gas distribution pipelines, that recommendation is not included in the proposed rule. The NTSB noted that the criteria proposed for ruptures in the proposed rule do not specifically provide for leak detection, and the proposed requirements for installing RMVs exclude gas distribution systems, which are a particular concern of Safety Recommendation P–11–10.

Other commenters echoed these concerns and stated that the rule should include leak- and rupture-detection requirements. The Clean Air Council stated that, because significant time is often lost during a pipeline incident in determining whether a rupture has occurred, the final rule should require operators install devices to detect ruptures. The Clean Air Council also noted that installing extra RMVs might be fruitless if an operator cannot detect the initial rupture, and went on to say that, in many rupture events, residents in the vicinity of the incident are those who discover a pipeline has ruptured, not the pipeline operators. Additionally, they noted that, in remote locations, the time between the rupture event occurring and when it is discovered is often so long that large amounts of product are lost, and the damage to the surrounding area is extreme.

The Pipeline Safety Trust (PST) stated that it has been nearly 10 years since the NTSB recommended leak detection systems, via recommendation P–11–10, that meet regulatory performance standards on all transmission and distribution pipelines, and that PHMSA must do more to further the development and use of leak detection systems beyond participating in industry standards development. The PST and the Clean Air Council also asked that PHMSA consider extending the NPRM's proposed RMV requirements to existing pipelines consistent with the NTSB's recommendations.

(iii) Scope: Distribution and Gathering Pipelines

Regarding the scope related to gas distribution pipelines, INGAA et al.[31] recommended that PHMSA limit any new gas distribution system requirements, if they were intended in the proposal, to the 9–1–1 notification requirements and the incorporation of post-incident lessons learned.

Several commenters requested clarification regarding the provisions and their applicability to gathering pipelines, with the American Petroleum Institute and Association of Oil Pipe Lines (API/AOPL) and GPA Midstream Association (GPA Midstream), for example, recommending that PHMSA provide an exception for gathering pipelines from the RMV installation requirements. These entities stated that section 4 of the 2011 Pipeline Safety Act is limited to transmission pipelines, and also that requiring gathering pipeline operators to install RMVs is not economically, technically, or operationally feasible.

KOGA and NAPSR noted that PHMSA initially stated that the NPRM would be applicable to transmission pipelines, however, both commenters noted that many of the provisions appeared to apply to gathering pipelines. NAPSR stated that, per § 192.9, Type A and B gathering pipelines must follow transmission regulations, and they requested that PHMSA clarify whether operators of gathering pipelines would have to install new valves as required by the NPRM for class location changes.

Sander Resources stated that it was unclear whether PHMSA wanted to make the proposed regulations applicable to gathering pipelines or whether gathering pipelines were inadvertently included. Therefore, they noted that PHMSA must consider whether it would be appropriate to include provisions applicable to gathering pipelines in the final rule. Similarly, the Texas Pipeline Association (TPA) stated that the regulations should not be expanded beyond the scope of the congressional mandate, which applied to transmission pipeline facilities.

(iv) Cost-Benefit

Industry organizations stated that the NPRM dramatically understated the potential costs of the proposed valve installation and rupture detection standards, noting that PHMSA's Preliminary Regulatory Impact Assessment (PRIA) estimated the annual cost of implementing the proposed rule would be approximately $3.1 million. These organizations, however, said that an estimate prepared several decades ago showed that the cost of complying with similar valve installation standards would exceed $600 million. They stated the PRIA offered no explanation for the significant discrepancy between these two cost estimates and failed to account for the true costs for the changes required, noting that PHMSA may not propose a standard for adoption without making a ''reasoned determination that the benefits of the intended standard justify its costs.''

These commenters further stated that the alleged underreporting of incremental annual regulatory burdens in the PRIA is particularly impactful given the extraordinary economic conditions currently confronting the oil and gas industry due to the Covid–19 global pandemic. Furthermore, GPA Midstream and Sander Resources stated that the industry expects to add more than 35,000 miles of pipeline during 2020; therefore, they suggested that it may be unrealistic for PHMSA to

[31] The American Gas Association, American Petroleum Institute, American Public Gas Association, and Interstate Natural Gas Association of America (INGAA) jointly submitted comments to this rulemaking. Throughout this final rule, their joint comment is referred to as ''INGAA et al.''

estimate the total annualized cost amounts at $3.1 million. This would amount to just $88 per mile on an annualized basis. Further, these commenters noted that PHMSA's estimate did not cover repair or replacement projects that are ongoing.

TC Energy Corporation commented that the cost estimates for adding actuators, controls, and telemetry to gas transmission pipelines would have added $250,000 to $375,000 per valve for a total of $4 to 6 million in additional annual costs. Based on their review of their class location projects completed in previous years, TC Energy estimated that the proposed language regarding class location replacements would add another $5 million in costs annually.

An individual suggested that the cost-benefit analysis should consider the loss of power when gas transmission or gas distribution service is interrupted. They stated reductions in serious injuries and loss of life are the most significant economic consideration, but there are additional economic factors that PHMSA should consider. Among those economic costs mentioned were cost to end users associated with interruption of natural gas supply, as well as the additional delay and costs associated with recovery efforts (*e.g.,* re-lighting pilot lights) following a service interruption.

The Clean Air Council commented that the economic feasibility of the proposed rule should not be a factor in implementing the regulations. They stated that the installation of the proposed rupture-detection and automatic-valve technology should be included in pipeline construction and repair costs and should not be considered ''extra'' infrastructure that would carry an incremental cost. They stated that, while in some cases, the necessary electricity and connectivity requirements may make RCVs and ASVs infeasible in very remote locations, in all other cases, this equipment should be considered mandatory as part of the cost of constructing or repairing a pipeline. They argued that the potential loss of life and economic costs from ruptures is enough to justify this change, and that the implementation cost is not even 1 percent of the amount of the damages the public and industry pays annually for pipeline incidents.

3. PHMSA Response

PHMSA considered all the comments regarding the NPRM's readability and redundant language while drafting this final rule and believes that this final rule more clearly states the regulations and their intended effect.

(i) Scope

General. In response to the comments from the PST and the Clean Air Council that suggested PHMSA consider extending the NPRM's proposed RMV requirements to existing pipelines consistent with the NTSB's recommendations, PHMSA first notes that such a change is beyond the scope of the NPRM. As a result, such an expansion may merit additional process (*e.g.,* a supplemental notice and solicitation of additional comments), imposing a substantial delay to a rule that is already ten years in the making. Further, application of the rule's RMV and alternative equivalent technology installation requirements to existing pipeline infrastructure would entail installation activity (*e.g.,* blowdowns of existing pipelines prior to replacement, and work in pipeline rights-of-way) that could involve significant GHG emissions and other potential environmental harms.[32]

PHMSA notes that this does not mean that operators of existing pipelines do not have to address the risks of leaks or rupture events. All operators are required under the integrity management (IM) regulations at §§ 192.935 and 195.452 to conduct risk analyses to identify measures (including installing ASVs, RCVs, or EFRDs) as appropriate to enhance safety on pipeline segments that are in or which could affect HCAs. Further, this final rule requires operators of all gas and hazardous liquid pipelines subject to the emergency planning requirements at §§ 192.615 and 195.402, respectively, to update their emergency response plans to provide for immediate and direct notification of appropriate public safety answering points (9–1–1 emergency call centers) following the notification of a potential rupture. Similarly, the final rule requires all gas and hazardous liquid pipelines subject to failure investigation requirements at §§ 192.617 and 195.402, respectively, to conduct post-rupture investigations and reviews, and to incorporate lessons learned from such investigations and reviews into their training regimes and procedures.

Regarding the provisions in this rulemaking related to leak detection, PHMSA is requiring pressure monitoring upstream and downstream of RMVs and alternative equivalent technology installed pursuant to this final rule. In doing so, PHMSA believes operators will be able to better detect and isolate ruptures, and operators can integrate the pressure monitoring equipment required by this rule into future, or current, leak detection systems and analyses.

PHMSA also notes that the Federal Pipeline Safety Regulations reflect PHMSA's commitment to ensuring robust leak detection on PHMSA-jurisdictional pipelines. Since 2002, operators of hazardous liquid pipelines have been required to evaluate and install leak detection systems in HCAs, including on pipeline segments that could affect an HCA.[33] PHMSA also issued new regulations in October 2019[34] requiring that all hazardous liquid pipelines, even those outside of HCAs, have an effective system for detecting leaks. Further, hazardous liquid pipeline operators are required to inspect the surface conditions of their rights-of-way every 3 weeks.[35] Similarly, gas distribution pipeline operators are required by §§ 192.722 and 192.723 to conduct periodic patrols and leak surveys of their distribution systems at intervals. Gas transmission pipeline operators are obliged by § 192.705 to conduct periodic patrols of their pipelines, and by § 192.706 to conduct leak surveys twice per year in Class 3 locations and quarterly for Class 4 locations.

PHMSA has also, in response to a mandate in section 120 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (Pub. L. 116–260; 2020 PIPES Act), initiated a rulemaking (under RIN 2137–AF51) to require operators of new and existing gas transmission, gas distribution, and (certain) regulated gas gathering lines implement leak detection and repair programs to achieve minimum performance standards reflecting the capabilities of commercially available advanced technologies. PHMSA will also continue to promote leak detection technology for pipelines through its research and development programs.

Application to distribution and gas gathering lines. In the NPRM, PHMSA intended for the RMV and alternative equivalent technology installation requirements to apply to new and

[32] PHMSA notes that the concerns discussed in this paragraph militate against, at the final rule stage, extending the rulemaking's scope to offshore gas and hazardous liquid pipelines. PHMSA is, however, evaluating extension in the future of the regulatory amendments in this final rule to pipeline facilities (*e.g.,* offshore pipelines, existing pipelines, additional gathering lines, and smaller-diameter pipelines) that were not within the scope of this rulemaking described in the NPRM.

[33] Design regulations for computational pipeline monitoring (CPM) leak detection systems are at § 195.134, and the operational requirements for CPM leak detection are at § 195.444. The requirement for operators of pipelines in HCAs and those that could affect HCAs to have an LDS are at § 195.452(i)(3).

[34] 84 FR 52260 (Oct. 1, 2019).

[35] *See* § 195.412.

entirely replaced regulated gathering pipelines, both for gas and hazardous liquid operators. Section 192.9 states that operators of Type A gas gathering pipelines must comply with the requirements of part 192 applicable to gas transmission pipelines, and new and replaced Type B gas gathering pipelines must follow part 192 design, construction, installation, initial inspection, and initial testing requirements applicable to gas transmission pipelines. Nothing in the NPRM stated or suggested that the regulatory amendments proposed therein would not apply to new and entirely replaced gas gathering lines as provided by the plain meaning of § 192.9. However, in this final rule, PHMSA has decided to narrow the application of the valve installation requirements proposed in the NPRM to Type A gas gathering pipelines only; Type B gas gathering pipelines are explicitly exempted from those requirements.

PHMSA adopts this limitation on the scope of the RMV and alternative equivalent technology installation requirements because of the distinguishable risk profiles associated with ruptures on Type A and Type B gas gathering pipelines. Type A gas gathering pipelines, per § 192.8, operate at higher pressures (correlating to hoop stress of 20 percent or more of specified minimum yield strength (SMYS), or pressures greater than 125 psig) and in areas of higher population density (specifically Class 2, Class 3, or Class 4 locations). As a result, ruptures on these pipelines will generally present a higher risk of public safety consequences, similar to gas transmission pipelines, warranting the additional protection that RMVs or alternative equivalent technology would provide. However, as explained in Section II. E of this final rule, PHMSA provides an exception from the valve installation requirements if an operator can demonstrate that a rupture on a new or entirely replaced Type A gas gathering pipelines in Class 2 locations would yield a PIR of 150 feet or less.

Type B gas gathering pipelines, on the other hand, as defined at § 192.8, operate at lower pressures (involving hoop stress of less than 20 percent of SMYS). Ruptures on gas gathering pipelines operating within that same pressure range are likely to have a PIR comparable to the Type A gas gathering pipelines that PHMSA exempts from its RMV and alternative equivalent technology installation requirements. The final rule therefore exempts Type B gas gathering pipelines from those same requirements. Going forward, however, PHMSA will gather and consider additional data to inform application of these requirements to additional types of gas gathering pipelines.

PHMSA has, in this final rule, further clarified that the Type C gas gathering lines established in the Gas Gathering final rule are, like Type B gas gathering lines, not subject to the RMV and alternative equivalent technology installation requirements. As explained above, the Type C gas gathering designation is new, created after publication of the NPRM and the LPAC and GPAC meetings on this rulemaking. PHMSA, therefore, declines to extend the valve installation requirements to that newly defined type of gas gathering lines in this final rule; PHMSA may, however, consider doing so in a subsequent rulemaking.

Section § 195.1 similarly provides that part 195 applies to onshore hazardous liquid gathering pipelines that are: (1) Located in a non-rural area, (2) a regulated rural gathering line as that term is defined in § 195.11, or (3) located within an inlet of the Gulf of Mexico as provided in § 195.413. Further, operators of regulated rural gathering lines have to follow specific safety provisions set out in § 195.11, one of which is that steel regulated rural gathering lines must be designed, installed, constructed, initially inspected, and initially tested in compliance with part 195. Therefore, and similarly to Type A gas gathering pipelines, regulations proposed for design and construction standards for hazardous liquid pipelines will apply to regulated rural hazardous liquid gathering pipelines absent a specific statement that the regulations do not apply to regulated rural hazardous liquid gathering pipelines.

Accordingly, in this final rule, operators of regulated hazardous liquid gathering lines must comply with the provisions of this rulemaking pertaining to hazardous liquid pipelines. Based on comments received on the NPRM and discussions at the LPAC meeting, however, PHMSA is requiring that operators of only certain regulated rural gathering lines—namely, lines that cross bodies of water greater than 100 feet wide, from high water mark to high water mark—install RMVs or alternative equivalent technologies in accordance with § 195.260(e). PHMSA has required extra valves near such water crossings for several decades under § 195.260, and similarly applies the requirements of this final rule to those lines.

As for low-stress, rural hazardous liquid pipelines, as those are defined at § 195.12, PHMSA acknowledges that a hazardous liquid pipeline operating below 20 percent of SMYS is less likely to rupture than the same pipeline operating at higher pressures. However, a hazardous liquid pipeline can leak, without rupturing, and cause significant environmental damage; further, PHMSA accident report data yields that even low-stress hazardous liquid pipelines have failed. Accordingly, although the LPAC recommended that PHMSA consider an exception for low-stress, rural hazardous liquid pipelines in the final rule, PHMSA is instead requiring that all newly constructed and entirely replaced low-stress, rural hazardous liquid pipelines with diameter of six inches or greater, including low-stress hazardous liquid pipelines in rural areas, install RMVs pursuant to this rulemaking.

PHMSA is also clarifying in this final rule that the requirements pertaining to RMVs or alternative equivalent technologies as outlined in the NPRM do not apply to gas distribution pipelines. The only requirements in this rule intended to apply to gas distribution pipelines are the requirements at § 192.615 for contacting 9–1–1 call centers and at § 192.617 pertaining to post-incident analysis and implementation of lessons learned. Although PHMSA acknowledges that there could be safety and environmental benefits from extending elements of this final rule to gas distribution pipelines, PHMSA declines to do so in this final rule as such an extension is beyond the scope of the NPRM and would require additional notice and public comment, and thus further delay issuance of this final rule. PHMSA will conduct further study and analysis evaluating which rupture response and mitigation measures (including, but not limited, those adopted in this final rule) are most appropriate for gas distribution pipelines.

(iii) Cost-Benefit

PHMSA analyzed the comments it received on the PRIA and cost-benefit issues and took them into account when drafting this final rule. PHMSA addresses those comments within the RIA in the rulemaking docket.

B. Rupture Definition

1. Summary of Proposal

In the NPRM, PHMSA proposed to introduce a new definition of ''rupture'' for gas pipelines at § 192.3 meaning any of the following events that involve an uncontrolled release of a large volume of gas: (1) A release of gas observed or reported to the operator by its field personnel, nearby pipeline or utility personnel, the public, local responders,

or public authorities, and that may be representative of an unintentional and uncontrolled release event defined in paragraphs (2) or (3) of this definition; (2) An unanticipated or unplanned pressure loss of 10 percent or greater, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the pressure loss the need for a higher pressure-change threshold due to pipeline flow dynamics that cause fluctuations in gas demand that are typically higher than a pressure loss of 10 percent in a time interval of 15 minutes or less; or (3) An unexplained flow rate change, pressure change, instrumentation indication, or equipment function that may be representative of an event defined in paragraph (2) of this definition.

Similarly, for hazardous liquid pipelines, PHMSA proposed to introduce at § 195.2 a definition of ''rupture'' for hazardous liquid pipelines as any of the following events that involve an uncontrolled release of a large volume of hazardous liquid or carbon dioxide: (1) A release of hazardous liquid or carbon dioxide observed and reported to the operator by its field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities, and that may be representative of an unintentional and uncontrolled release event defined in paragraphs (2) or (3) of this definition; (2) An unanticipated or unplanned flow rate change of 10 percent or greater or a pressure loss of 10 percent or greater, occurring within a time interval of 15 minutes or less, unless the operator has documented in advance of the flow rate change or pressure loss the need for a higher flow rate change or higher pressure-change threshold due to pipeline flow dynamics and terrain elevation changes that cause fluctuations in hazardous liquid or carbon dioxide flow that are typically higher than a flow rate change or pressure loss of 10 percent in a time interval of 15 minutes or less; or (3) An unexplained flow rate change, pressure change, instrumentation indication or equipment function that may be representative of an event defined in paragraph (2) of this definition.

For both definitions, PHMSA added a note stating that ''rupture identification'' was to occur when a rupture, as defined above, was first observed by, or reported to, pipeline operating personnel or a controller.

2. Comments Received

For both gas and hazardous liquid pipelines, commenters stated that the proposed definitions are unclear in many respects and that the proposed definition of rupture emphasized the sources of information an operator might use to identify a rupture, like notifications to an operator, as opposed to establishing workable criteria for determining what qualifies as a rupture.

Some commenters suggested that the release criteria PHMSA used to define a rupture were impractical and do not account for differences in pipeline system operation and monitoring capabilities. Some commenters further suggested that PHMSA proposed technically infeasible detection sensitivities.

Individual operators and trade associations provided alternative definitions for ''rupture'' and ''rupture identification'' or provided editorial changes to the definitions. Other commenters, such as the NTSB, noted that elements of the definition, including the terms ''large-volume'' and ''uncontrolled release,'' could be interpreted in several ways and could benefit from clarification.

Northern Natural Gas Company stated that the proposed definition of a rupture is too restrictive, noting that their pipeline system consists of pipelines with a series of branch or lateral lines which serve power plant or industrial customers that may change operating status several times per day with subsequent start-ups and shutdowns. They added that many of these start-ups and shutdowns would meet the proposed threshold defining a rupture, and for them to develop and maintain documentation in advance for all of these scenarios would be burdensome, extensive, time consuming, expensive, and would not result in improved pipeline safety. Therefore, they recommended that the language defining a rupture be changed to an unanticipated or unplanned flow rate change or pressure loss of 25 percent occurring within 30 minutes, or that the operator should be allowed to establish specific rupture criteria for each pipeline and maintain technical justification.

TPA stated that there should be some recognition of the difficulty of determining a 30 percent pressure drop on certain transmission pipelines, such as where a natural gas-fueled electric generation plant is located on a segment. On pipeline segments such as these, they stated, significant swings in pressure are not uncommon as the generation plant starts up, and these swings in pressure can occur with little notice.

Emerson Process Management Actuation Technologies, a manufacturer of pipeline valve operating systems and controls (including ASVs), noted that their clients typically use an actuation set point of a 20 to 30 psi pressure drop per minute with the goal of sensing a rupture but not being too sensitive to ''risk a false valve closure.'' This commenter proceeded to assert that the proposed definition could require ASV set points that are more sensitive to pressure changes than currently used within industry.

Pertaining to hazardous liquid pipelines, AFPM stated that defining a rupture as a 10 percent pressure loss is not feasible for all locations, stating that the proposed language would force operators to consider pressure drops as ruptures when such pressure drops would likely not constitute an actual rupture event. They stated further that such a measure could lead to unnecessary incident reports, even in instances when no product is released, and suggested that a rupture is better defined as a percentage of flow leaving the pipeline, typically defined as 50 percent of receipt flows or higher.

Magellan Midstream Partner, L.P. stated that the proposed rule is not clear regarding the impact of alarm persistence on determining whether a rupture is occurring and whether any momentary pressure change of 10 percent constitutes a rupture, or if the 10 percent drop would be sustained continuously over 15 minutes. Magellan also suggested that, since there are several scenarios in any given pipeline operation that could contribute to pressure drops and flow rates, a rupture should not be defined by a single variable, such as pressure or flow, but be inclusive of multiple indications that, evaluated collectively, would provide for a rupture signature.[36]

OptaSense stated that operators should rely on monitoring systems that alert them of significant events with immediacy and actionable detail to mitigate the harmful consequences of a rupture rather than relying on third-party notification. On the other hand, TPA stated that the differences in the sophistication of various operators' pressure monitoring capabilities and differing granularity of monitored pressure points, combined with the short response times in the proposed rule, support some broadening of the definition of rupture to include notifications from first responders and the public. TPA added that these notifications would need some provision for operator confirmation. Magellan Midstream Partner, L.P. suggested that the proposed rule, as

[36] Including pressure, temperature, meter flow, product characteristics, and geometry of the pipeline.

written, creates the potential for numerous false rupture alarms that could impact an operator's safety culture and desensitize an organization to the heightened awareness and urgent response that a rupture alarm should create.

Commenters also suggested PHMSA consider allowing operators to establish specific rupture notification criteria for individual pipelines based on a pipeline's unique operating environment and parameters rather than establishing one-size-fits-all criteria.

INGAA et al. stated that the proposed definition of rupture does not take into account that operators' natural gas systems and their customers' needs are unique and dynamic. INGAA et al. stated that the proposed definition arbitrarily establishes set points which require response and that PHMSA did not provide a technical basis for the 10-percent-over-15-minutes threshold in the proposed rule. INGAA et al. added that by unnecessarily triggering rupture response, PHMSA's proposed 10 percent over 15 minutes criteria may potentially compromise the reliability of service to customers. INGAA et al. stated that rather than prescribe a one-size-fits-all rupture criteria, they recommended that PHMSA direct operators to establish rupture-notification criteria for individual operating systems and to outline these criteria clearly within each operator's procedures.

TC Energy recommended that if PHMSA includes a rate of pressure drop (ROPD) in the definition of a rupture, that operators should be allowed to establish their own ROPD that would indicate a rupture. They stated that the proposed definition of a rupture does not consider that operators' natural gas systems are unique and dynamic.

Similarly, API/AOPL and GPA Midstream stated that the proposed definition of rupture relies on one-size-fits-all numerical thresholds for pressure loss and flow rates that would encompass many scenarios that are not in fact ruptures (*e.g.,* a power loss at a pump station). These entities added that PHMSA does not provide any technical justification for the proposed numeric thresholds and rigid application of the criteria that could lead to numerous false alarms and unnecessary valve closures.

Commenters requested PHMSA clarify and distinguish between the meanings of the terms ''rupture identification'' and ''notification of potential rupture'' for both gas and hazardous liquid pipelines. INGAA et al. stated that the proposed definition of rupture does not address actual ruptures but rather the notification of potential ruptures, and PHMSA should therefore re-label this definition as the ''notification of potential rupture,'' which will also provide clarity in other sections of the rule. INGAA et al. and NAPSR also stated that PHMSA should limit the definition of ''rupture'' or ''notification of potential rupture'' to gas transmission pipelines, enabling PHMSA to use the terms ''rupture'' and ''notification'' as intended throughout the rulemaking without continuously qualifying whether the requirements are applicable to only potential ruptures on gas transmission lines or to both transmission line ruptures and rupture-like events on gas distribution lines, such as excavation damages.

As noted previously, commenters, including API/AOPL and GPA Midstream, also suggested that PHMSA align the definition of rupture in this rulemaking with the definition of rupture used in PHMSA's incident report, noting the existing guidance currently used in the instructions for the part 195 accident reports state that a rupture occurs when a pipeline has ''burst, split, or broken and the operation of the pipeline facility is immediately impaired,'' resulting in an uncontrolled, large volume release of hazardous liquid or carbon dioxide. These industry commenters suggested that matching the definition in the reporting instructions would promote consistency, make the regulations easier to understand, and avoid unnecessary compliance burdens. The PST added that if the definition of rupture in the proposed rule is not the same as the definition of a rupture for incident and accident reporting purposes, it will make it impossible to track the effectiveness of this rule over time and to know whether this rule is driving safety.

In response to these comments, PHMSA provided the Committees in advance of their July 22–23, 2020 meetings alternative language for consideration that would substitute the term ''notification of potential rupture'' for the definition of ''rupture'' proposed in the NPRM.

The Committees unanimously recommended that PHMSA adopt this substitute language as presented and recommended by PHMSA staff at the meeting. However, the LPAC also recommended PHMSA remove from the second criterion under the part 195 definition of ''notification of potential rupture'' any reference to a specific pressure loss-rate threshold, instead recommending that this criterion refer only to operator observation of an unanticipated or unplanned pressure loss outside of a pipeline's normal operating parameters as defined in the operator's procedures.

3. PHMSA Response

PHMSA acknowledges that having a clear definition is essential for successful implementation of the rule and considered the varying suggestions provided by commenters to clarify terms and improve understanding of, and compliance with, the final rule. Therefore, PHMSA has changed the proposed definition of ''rupture'' to a definition of ''notification of potential rupture'' as proposed to and recommended by the Committees. PHMSA intended for the definition of a ''rupture'' to provide operators with a standard to initiate rupture-mitigation measures consistently and promptly and notify emergency responders of a rupture event. PHMSA acknowledges, however, that operator response actions are more appropriately initiated on ''notification of potential rupture'' than on ''rupture'' as suggested by the NPRM. Indeed, the experience of the rupture events in San Bruno, CA, and Marshall, MI, underscore there can be a significant time lag between notification of indicia of a potential rupture and verification of a rupture. PHMSA has consequently, in this final rule, recharacterized the NPRM definition of ''rupture'' as a ''notification of potential rupture.''

PHMSA declines, however, to further modify the second criterion of the definition of ''notification of potential rupture'' to remove the NPRM's reference to a 10-percent-pressure-loss-within-15-minutes threshold as recommended by the LPAC. PHMSA's Accident Investigation Division has reviewed ruptures that have occurred the past several years that PHMSA has investigated and finds this to be an appropriate requirement. In certain cases, for example, operator pressure charts provided to PHMSA following pipeline ruptures showed pipelines operating at approximately 850 psig rapidly fall to approximately 100 psig. Another pipeline went from operating at 1,160 psig to 0 psig. In PHMSA's experience, unexpected pressure-loss events that are greater than 10 percent within 15 minutes are not routine events and are often indications a rupture has occurred. However, because PHMSA acknowledges that operators may have conditions or considerations that would cause pressure swings in excess of 10 percent within 15 minutes, PHMSA has introduced language permitting operators to document in their written procedures the need for alternative pressure-loss-rate thresholds due to the unique pipeline flow

dynamics resulting from changes in demand. This final rule does not contemplate that operators must submit those written operating procedures to PHMSA in advance for notification or approval. PHMSA furthermore submits that operator concerns regarding the ''one-size-fits-all'' approach of this numerical threshold or the difficulty in predicting pressure drops given the diverse and variable demands on their systems may also be addressed by the qualifying language that any such pressure loss must be ''unanticipated or unexplained.''

PHMSA initially considered including the criteria for a ''notification of potential rupture'' within the definition sections of parts 192 and 195 (§§ 192.3 and 195.2, respectively) but found such an approach challenging. First, PHMSA found it unwieldy to include such detailed criteria in a definition section that has no enumerated paragraphs. Second, because the criteria also include requirements, PHMSA determined that the definition, including the criteria, would be more appropriately located in an operative section of the regulations. PHMSA understands the approach taken in this final rule provides improved clarity and enforceability. PHMSA used a similar approach when developing the definition of an ''unusually sensitive area'' in part 195. Therefore, in this final rule, PHMSA has established a definition for the term ''notification of potential rupture'' and has promulgated the criteria for that definition in §§ 192.635 and 195.417 for gas pipelines and hazardous liquid pipelines, respectively. PHMSA has also made editorial corrections clarifying the definitional criteria and identifying indicia—including explosions and fires in the immediate vicinity of a pipeline—discussed in the NPRM and during the Committee meetings as potential consequences (and therefore indicia) of a rupture.

PHMSA acknowledges the value in aligning any regulatory definition of the term ''rupture'' with the definitions in its parts 192 and 195 incident/accident reporting forms. However, PHMSA has decided against codifying any regulatory definition of ''rupture'' in this final rule. Should PHMSA consider introducing a regulatory definition of ''rupture'' in a future rulemaking, it will endeavor to ensure consistency between any definition in the Federal Pipeline Safety Regulations and the incident and accident reporting forms.

C. Rupture Identification Definition and Timeframe

1. Summary of Proposal

In the NPRM, PHMSA proposed new provisions (§§ 192.634(c)(1) and 195.418(c)(1)) requiring operators installing RMVs or alternative equivalent technology to isolate a ruptured pipeline segment as soon as practicable, but within 40 minutes of rupture identification—defined in the NPRM (§§ 192.3 and 195.2) as the initial report to pipeline operators, or their initial observation, of a rupture. PHMSA also solicited comments on whether to oblige operators to have procedures to identify a rupture event within 10 minutes of the initial notification to the operator. These requirements would apply to both gas and hazardous liquid pipelines.

2. Summary of Comments Received

API/AOPL, GPA Midstream, KOGA, Magellan Midstream Partner, L.P., and TC Energy Corporation stated that PHMSA should add a separate definition for the term ''rupture identification'' to specify that rupture identification occurs when a pipeline operator has sufficient information reasonably to determine that a rupture occurred. Some of these industry commenters provided alternative definitions or editorial suggestions to that end.

API/AOPL stated that the rupture identification concept is highly important in establishing the extent of an operator's obligations under the new regulations. They suggested, along with GPA Midstream, that adding a separate definition for ''rupture identification'' that is based on a reasonableness standard is preferable to the NPRM's approach of defining a ''rupture'' by reference to a list of information that may be indicative, but not conclusive, of whether there is indeed a rupture.

Northern Natural Gas Company stated that a 10-minute time limit for determining whether there is a rupture can create uncertainty in the initial actions that must be undertaken by natural gas transmission pipeline operators upon initial notification, and should be eliminated; Northern Natural Gas Company suggested that the final rule would be better focused on the time to commence shut-off of RMVs or alternative equivalent technology. Similarly, TC Energy Corporation called on PHMSA to remove the 10-minute rupture identification requirement entirely, and instead revise the regulatory text to mirror language in the NPRM preamble requiring operators to respond to a rupture as soon as practicable by closing rupture-mitigation valves, with complete valve shut-off and segment isolation within 40 minutes after rupture identification.

INGAA et al. and TC Energy Corporation stated that PHMSA should eliminate the 10-minute identification requirement because the 40-minute response standard is sufficient to ensure safety in HCAs and Class 3 and Class 4 locations. INGAA et al. further stated that the decision to shut down a pipeline should not be rushed to meet an arbitrary 10-minute threshold because it risks significant service disruptions for natural gas customers. They added that operators should be provided the necessary time to determine whether a pipeline needs to be shut down.

For hazardous liquid pipelines, API/AOPL stated that the feasibility of a 10-minute rupture identification requirement is highly dependent on the location of the pipeline. They further stated that imposing a 10-minute rupture identification requirement for pipelines in remote or difficult-to-access areas will effectively force operators of such pipelines to err on the side of being overly-conservative in responding to events as ruptures. Both API/AOPL and GPA Midstream stated that this requirement would disrupt operations, is too restrictive, and could lead to adverse consequences. API/AOPL requested that PHMSA eliminate the rupture identification timeframe or provide a longer period for rupture identification. Similar to comments made for gas transmission pipelines, GPA Midstream stated that, rather than providing a 10-minute deadline for rupture identification, PHMSA should provide operators with a 40-minute total response time for closing RMVs, manual valves, or equivalent technology following a rupture.

TPA stated that the 10-minute requirement for identifying a rupture and contacting first responders is not feasible because of the need to determine the existence of a rupture as the trigger for the determination of the start of the response time. TPA stated that existing emergency procedures and damage prevention procedures at §§ 192.615 and 195.402 already contain requirements for the timely contact of emergency responders and calls to 9–1–1 numbers, so the 10-minute notification requirement in these provisions is duplicative and unnecessary, and recommended that this requirement be deleted from the proposed rule. An individual, on the other hand, agreed that the time to identify a rupture should be no more

than 10 minutes, and that emergency services must be notified right away.

At the Committee meetings on July 22 and 23, 2020, both the GPAC and the LPAC unanimously recommended that PHMSA eliminate the 10-minute rupture identification requirement because of the practical difficulties of prescribing a universal 10-minute rupture identification timeline notwithstanding the variety of pipeline locations and operational environments. In conjunction with this recommendation, the Committees also recommended that PHMSA require RMVs to be closed ''as soon as practicable'' within 30 minutes of ''operator identification of a rupture'' and that PHMSA require operators to document a method for rupture identification in their written procedures.

3. PHMSA Response

PHMSA is adopting in this final rule at §§ 192.3 and 195.2 effectively identical regulatory definitions for ''notification of potential rupture'' that reflect editorial revisions to the definitions endorsed by the GPAC and LPAC. PHMSA notes that its decision to re-cast the NPRM definition of ''rupture'' as the term ''notification of potential rupture'' reflects that timely and effective rupture mitigation demands operators undertake certain actions on notification of common indicia of a rupture. Effective and timely rupture mitigation also demands operators take action on confirming, or identifying, that a rupture is in progress.

The definition for ''notification of potential rupture'' allows an operator to consider the different pipeline operating characteristics, diverse potential rupture mechanisms, and information of varying quantity and quality in evaluating whether a rupture is, in fact, in progress, and whether additional mitigation measures are necessary. PHMSA believes this definition is flexible enough to help ensure operators reach an informed determination on whether a rupture is in progress. However, PHMSA has backstopped this flexibility by requiring within revisions to each of §§ 192.615 and 195.402 that each operator have written procedures specifying its methodology for identifying a rupture on receipt of a notification of a potential rupture. The communication of ruptures to 9–1–1 or other public safety officials was always meant to be broadly applicable to all pipeline operators—the provisions were placed in the emergency response section of the regulations applicable to all operators, and the GPAC and LPAC each recognized this intent when recommending that the proposed provisions for communicating with 9–1–1 applied to all ruptures, without exception. An operator cannot properly and promptly coordinate and share information with the appropriate public safety authorities regarding event location and planned and actual responses to an emergency if they do not have a procedure for identifying a rupture upon the notification of a potential rupture.

Consistent with the Committees' recommendations, PHMSA has decided against including within this final rule the 10-minute global rupture identification time interval proposed in the NPRM. Although PHMSA understands that a 10-minute rupture identification timeline is achievable based on currently available technology, after reviewing the written comments submitted in this proceeding, and the discussions during the Committee meetings, PHMSA has concluded that the NPRM's one-size-fits-all approach to rupture identification could be challenging in light of the diversity of pipeline operational conditions and customer requirements.

However, PHMSA remains concerned that, in the absence of a minimum rupture identification time interval, a scenario similar to those that played out during the Marshall, MI, and San Bruno, CA rupture events—in which there were extended delays in rupture identification and response despite *multiple* indicia of a potential rupture—could happen again. With that in mind, PHMSA had considered triggering this final rule's RMV operation response actions set forth in §§ 192.636 and 195.419 on *notification of potential rupture* rather than *rupture identification.* PHMSA has, however, declined to adopt such an approach in this final rule to avoid further procedural delays in realizing the safety benefits of a rulemaking that has been over a decade in the making here at PHMSA—which effort commenced over 40 years after the NTSB highlighted the public safety benefits from operators' installation of readily-available technologies such as RMVs on pipelines.[37]

As a result, PHMSA may, in future rulemakings, consider whether it is appropriate to key operator RMV operation response actions to notification of potential rupture. In the interim, PHMSA has in this final rule codified at §§ 192.615(a)(12) and 195.402(e)(4) language within the NPRM expressing its expectation that operators will, upon notification of a potential rupture, identify whether there is indeed a rupture by reference to written procedures. Operators implementing this final rule should ensure those written procedures incorporate common-sense elements including, but not limited to, waiver of any requirements for specific pipeline personnel to conduct on-scene investigation of a potential rupture if an operator receives one or more of the following: Multiple or recurring instrument indications (pressure readings, alarms, etc.) of potential ruptures; pressure drops significantly in excess of the minimum thresholds in §§ 192.635(a)(1) and 195.417(a)(1);[38] and reports of rupture indicia from on-scene, credible sources (*e.g.,* on or off-duty pipeline operator personnel, sheriff or police officers, fire department personnel, or other emergency response personnel). PHMSA understands this reading of its revisions at §§ 192.615(a)(12) and 195.402(e)(4) to be consistent with operators' obligations elsewhere in §§ 192.615(a) and 195.402(e) (as revised) to take ''necessary actions to minimize hazards of released [commodity] to life, property, or the environment.'' PHMSA further notes that any risks to the public and the environment arising from delays in rupture identification for operators installing RMVs under this final rule would be further reduced by each of (1) language in §§ 192.615 and 195.402 requiring operators to ensure that their protocols identify ruptures ''as soon as practicable'' and (2) language at §§ 192.636 and 195.419 imposing demanding timelines—''as soon as practicable,'' but not to exceed 30 minutes from rupture identification—for operation of RMVs following rupture identification.

D. RMV Installation; RMV Closure Timeframe

1. Summary of Proposal

In the NPRM, PHMSA proposed to require that all valves on newly constructed or entirely replaced onshore gas transmission and gathering

[37] *See* Homendy, ''San Bruno Victims and Their Families Deserve Long-Overdue Action'' (Sept. 9, 2020), *https://safetycompass.wordpress.com/category/infrastructure/* (last visited Nov. 8, 2021) (*referencing* NTSB, PSS–71–1, Special Study of Effects of Delay in Shutting Down Failed Pipeline Systems and Methods of Providing Rapid Shutdown (Dec. 31, 1970), *https://www.ntsb.gov/safety/safety-studies/Documents/PSS7101.pdf*).

[38] PHMSA submits that operators may be able to leverage other provisions in this final rule (§§ 192.636(d)–(e) and 195.419(d)–(e)) pertaining to upstream/downstream pressure monitoring to support timely rupture identification without the need for on-scene investigation of a potential rupture.

pipelines that have diameters greater than or equal to 6 inches be RMVs or an alternative equivalent technology. Operators seeking to use an alternative equivalent technology in lieu of an RMV would have needed to submit a notification to PHMSA demonstrating that their preferred technology would provide an equivalent level of safety to an RMV. And should an operator seek to use a manual valve as an alternative equivalent technology, the operator would also have had to demonstrate that installation of an RMV would not be economically, technically, or operationally feasible. All valves installed per this proposal would meet the new rupture-mitigation standards proposed in § 192.634 and isolate a ruptured pipeline segment within 40 minutes of rupture identification.

Similarly, for hazardous liquid pipelines, PHMSA similarly proposed to require that all valves on newly constructed and entirely replaced onshore hazardous liquid pipelines that have diameters greater than or equal to 6 inches be RMVs or alternative equivalent technology. Operators seeking to use an alternative equivalent technology in lieu of an RMV would have needed to submit a notification to PHMSA demonstrating that their preferred technology would provide an equivalent level of safety to an RMV. And should an operator seek to use a manual valve as an alternative equivalent technology, the operator would also have had to demonstrate that installation of an RMV would not be economically, technically, or operationally feasible. All valves installed under this proposal would meet the new rupture-mitigation standards proposed in § 195.418 and isolate a ruptured pipeline segment as soon as practicable, but within 40 minutes of rupture identification.

2. Comments Received

The PST stated that the proposed rule did not provide sufficient rationale regarding how PHMSA arrived at a 40-minute shutdown requirement, other than a suggestion that it is ''reasonable.'' They stated that they have seen spill response plans for hazardous liquid pipelines claiming that failures isolated within 15 minutes constitute an operator's worst-case discharge. If those are accurately identified as the worst-case discharges, the PST noted, then valves must be able to close that fast or even more quickly. They stated that PHMSA's determination of the maximum allowable shut-off period should be justified by data relating to the speed with which automatic valves can shut, and if they can shut more quickly, then the maximum allowable valve closure period should be shortened to that length of time. Similarly, the NTSB suggested that the 40-minute valve closure time period is longer than expected for remote or automatic valves. The NTSB suggested that, if PHMSA determined that shut-off valves are not capable of isolating pipeline segments in less than 40 minutes, every facility response plan calculating the worst-case discharge based on a valve closure of less than 40 minutes after rupture identification should be re-evaluated.

Conversely, Northern Natural Gas Company asserted that the requirement for closing a valve to isolate a rupture within 40 minutes does not allow adequate time for the pipeline controller to evaluate the nature of the pressure change, determine if there is an emergency, or identify the actions needed to mitigate the emergency. Therefore, Northern Natural Gas Company recommended PHMSA change the rupture identification and valve shut-off period to 60 minutes total. It stated that a 40-minute valve closure requirement could result in too-rapid decisions to shut-in pipeline segments, causing unnecessary outages, unanticipated pressure changes, and potential damage to the pipeline system. It also stated that, within the States where it operates, unplanned, sudden outages could cause major problems with prolonged loss of heat to residences, businesses, and government facilities as well as an interruption of electric power generation and industrial processes.

INGAA et al. recommended that PHMSA apply the 40-minute valve closure time only to pipelines in HCAs and Class 3 and Class 4 locations to allow more flexibility in remote areas, noting specifically that achieving valve closure within 40 minutes is typically more challenging in remote areas. They noted that operators are likely to consider the use of manual valves in remote areas because an ASV, RCV, or equivalent technology would be economically, technically, or operationally infeasible, as it can be difficult to provide power or communications to automated valves in remote areas. INGAA et al., further noted that pipelines traverse a multitude of geographies, including locations that cannot safely be reached within 40 minutes, particularly during winter months.

Similarly, AFPM and other commenters representing hazardous liquid pipeline operators also requested that PHMSA consider flexibility for response time in remote areas where manual valves are located, stating that, according to information submitted by AFPM members after a review of their respective systems, manual valve response times in certain scenarios would potentially exceed 40 or 60 minutes. AFPM stated that the increased response time is due to the location of field employees and their ability to reach remote locations, and that some valves may take up to 10 to 20 minutes to close once personnel are at the valve site. Therefore, these commenters stated that manual valves installed in accordance with the RMV installation requirements should not need to meet the proposed 40-minute valve closure standard.

GPA Midstream, like other commenters, provided specific regulatory text for streamlining the requirements related to the valve closure period. GPA Midstream also recommended that operators be allowed to seek authorization from the Associate Administrator for Pipeline Safety to use an alternative shut-off time in appropriate cases, stating that there may be circumstances where an operator cannot meet the 40-minute shut-off time.

INGAA et al. asserted that the 40-minute response time would not be practicable or appropriate to apply to existing pipelines, should PHMSA consider such a proposal in a future rulemaking. INGAA et al. claimed a 40-minute closure time is on the leading edge of what is practicable under currently-available technologies that could be applied to new and replaced pipelines. They noted that multiple PHMSA special permits contain a 60-minute valve closure time requirement, and operators have proactively taken steps to attain the 60-minute response target while the current rulemaking has been pending for almost a decade.

Further, INGAA et al. stated that, even for new and replaced pipelines, attaining the 40-minute valve closure time will push the limit of what is currently technologically and operationally possible. They noted that for almost 60 percent of PHMSA-reportable ruptures from 2010 to 2019, the response time was greater than 40 minutes, which, they claimed, would indicate any response time shorter than 40 minutes for new and replaced pipelines would be infeasible. Similarly, Magellan Midstream Partners L.P. stated that 40 minutes is not a practical travel time to manual valves that have been installed in accordance with the RMV installation requirements.

Commenters also suggested PHMSA should provide an allowance for scenarios where the operator and

emergency responders agree not to shut an RMV following a rupture.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously endorsed the NPRM's RMV closure requirements as ''technically feasible, reasonable, cost effective and practicable'' provided that PHMSA reduce the RMV closure time to 30 minutes in combination with eliminating the proposed 10-minute rupture identification standard. PHMSA understands that endorsement to reflect Committee discussions in which industry representatives focused their objections to the NPRM on the difficulty of meeting the 10-minute rupture identification timeline given differences in environmental conditions and operational requirements within their systems.

Further, the GPAC recommended PHMSA review the issue of allowing certain valves to remain open during emergency situations based on the Committee discussion and public comments and ensure that the integrity of the rule was not compromised and would minimize environmental damage.

The GPAC also recommended PHMSA allow, for natural gas pipelines, manual valves installed as alternative equivalent technology in non-HCA Class 1 locations to exceed the 30-minute closure time requirement only if the operator submits within its notification to install such valves as alternative equivalent technology a specific closure time for those manual valves. For hazardous liquid pipelines, the LPAC recommended a similar limitation apply to manual valves used as alternative equivalent technology in remote, non-HCA locations.

3. PHMSA Response

As a part of developing the NPRM, PHMSA considered what would make it economically, technically, or operationally infeasible to install or use an ASV, RCV, or equivalent technology. For instance, PHMSA proposed to limit the installation of ASVs, RCVs, equivalent technologies (including, potentially manual valves) to pipelines of 6 inches and greater because, while rupture-mitigating technologies are commercially available for pipelines as small as 2 inches in diameter, PHMSA determined at the time that it is unlikely the safety and environmental benefits on those pipelines would justify the costs of installing the technology. While PHMSA applies these requirements to pipelines of 6 inches in this final rule, PHMSA may consider expansion of this application for smaller pipeline diameters in a future rulemaking. PHMSA would analyze the costs and potential safety and environmental benefits of an expansion in any such rulemaking.

PHMSA also noted in the NPRM that examples of where it might be infeasible to install ASVs or RCVs included locations that may have issues with communication signals, power sources, space for actuators, or physical security. These locations can vary and are not limited to certain types of terrain. Certain urban areas, for example, might have access to power sources but might not have adequate physical space for the necessary valve actuators. Certain rural areas, on the other hand, might have issues with maintaining continuous communication signals or might have difficult-to-access valves. Other reasons that installation of RMV may be infeasible identified in written comments and during GPAC/LPAC meetings include difficulties in obtaining required access rights or permits. The COVID–19 global health emergency has also exacerbated labor and component constraints, drawing out procurement timelines and increasing costs.

However, given that these valve installation requirements apply to new construction and replacement projects whose routes and components are planned out years in advance, PHMSA does not believe that there should be major economic, technical, or operational constraints impacting valve installation. Final Environmental Impact Statements for pipeline projects proposed after the passage of the Pipeline Safety Act of 2011 have shown that operators are committing to installing a substantial number of remotely operated and monitored valves. However, PHMSA does not want to preclude unforeseen challenges or conditions operators may face in installing valves pursuant to this rulemaking, and so developed an advance notification process at §§ 192.18 and 195.18, by which operators can (subject to PHMSA's review) make a site-specific case before installation of an alternative equivalent technology that (1) the technology would provide an equivalent level of safety to an RMV, and (2) if that proposed alternative equivalent technology is a manual valve, installation of an RMV would be economically, technically, or operationally infeasible. Similarly, PHMSA has in this final rule established procedural machinery allowing operators to request extensions of compliance timelines for installation of RMVs and alternative equivalent technology is such timelines are economically, technically, or operationally infeasible for near-term construction and replacement projects.

PHMSA also considered what would make a technology ''alternatively equivalent'' to the ASVs and RCVs that the statute specifically listed. In developing the NPRM, and given the circumstances noted above, PHMSA wanted to provide operators with flexibility to install the appropriate valve or technology based on the unique circumstances at each site while still ensuring that such valves or technologies would close as soon as practicable.[39] In the NPRM, PHMSA also noted that, in the Marshall, MI incident, the rupture-mitigating valves the operator had equipped on the line were functionally useless until the operator was able to identify the rupture. Therefore, PHMSA believed that any proposed regulation would need to pair a valve installation requirement with a standard delineating when an operator must identify a rupture and actuate those valves. PHMSA did not consider it appropriate to assign different valve closure times to different rupture-mitigating valves or technologies, because doing so would have made compliance and enforcement difficult.

PHMSA believed that, by setting a valve and technology closure standard for operators to meet, it would contribute to PHMSA's review of notifications contending that an alternative technology would provide an equivalent level of safety to an RMV. This approach allows operators to install the most appropriate valve or technology given site specifics, and it also prevents PHMSA from inadvertently restricting the development or use of promising rupture-mitigating technologies by imposing prescriptive requirements on the use of ''equivalent technology,'' which was not defined by the statute. As discussed throughout the NPRM and this final rule, PHMSA does expect operators to be able to close certain valves or technologies faster than others, and has included requirements for operators to close RMVs or alternative equivalent technologies ''as soon as practicable'' but within the required timeframe.

PHMSA maintains that the proposed 40-minute RMV closure standard is achievable with current technology, and it would be a significant improvement over the 95 minutes it took PG&E to

[39] PHMSA notes that, as contemplated by the NPRM, such alternative technologies can include manual valves if an operator makes the requisite showings of safety equivalence and technical, operational, or economic infeasibility of RMV installation. *See, e.g.,* 85 FR at 7178.

close the necessary valves during the incident at San Bruno, CA. As discussed in the NPRM, recent PHMSA-issued special permits for non-looped pipelines contemplate those lines will be equipped with isolation valves that can be closed in 30 minutes or less. PHMSA proposed a higher ceiling (40 minutes) in the NPRM because many gas and hazardous liquid systems have several incoming and outgoing product receipts and deliveries or tie-ins and, in some situations, multiple loop lines; establishing a one-size-fits-all requirement for valve closure times on all gas and hazardous liquid pipeline systems can be challenging based on the configuration of those systems. In the NPRM, PHMSA also noted that it considered valve closure times between 30 and 60 minutes based on comments on the ANPRMs and work on the ''Alternative MAOP'' rulemaking.[40]

PHMSA notes that it developed the 40-minute RMV closure standard in the NPRM accounting for the potential need to include manual valves as alternative equivalent technology due to site-specific concerns; PHMSA assumed and expects ASVs and RCVs will be closed much faster. In the NPRM, PHMSA proposed to allow operators to use manual valves as an alternative equivalent technology, with a notification to PHMSA demonstrating that installing an ASV or RCV would be economically, technically, or operationally infeasible, and that a manual valve would provide an equivalent level of safety to an RMV. The NPRM's proposal reflected PHMSA's belief it would be reasonable to apply a 40-minute valve closure standard to provide time (if needed) for operators to get personnel on-site to close any necessary manual valves.

As discussed elsewhere in this document, both the GPAC and the LPAC each unanimously voted to characterize a shortened valve closure time as ''technically feasible, reasonable, cost-effective, and practicable'' provided that the NPRM's prescriptive timeframe for rupture identification was eliminated. PHMSA acknowledges that a faster valve-closure standard would provide additional environmental and public safety benefits and has revised this final rule to require a 30-minute maximum valve-closure time, measured from rupture identification—with an emphasis that this is a ceiling whereas the actual requirement is ''as soon as is practicable.'' As noted by some of the commenters, many operators indicate ''worst case scenarios'' of 15 minutes.

Accordingly, PHMSA is requiring any RMVs and alternative equivalent technology installed pursuant to this final rule be closed ''as soon as practicable'' but no later than 30 minutes following the identification of a rupture. In addition, as suggested in comments from PST, those operators that have indicated in their spill response plans a valve closure time of less than 30 minutes during a worst-case discharge would still have to operate such valves in the time indicated in their spill response plan (*see* § 194.105(b)(1)). If an operator chooses to install ASVs as RMVs, they must conduct flow modeling for the applicable pipeline segments and any laterals that feed the pipeline segment to ensure that the ASV will close within 30 minutes or less following rupture identification. The flow modeling must include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions (including extreme fluctuations in weather that might affect operating pressures) that may be, or are anticipated to be, encountered during the year, not to exceed a period of 15 months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or gas receipt tie-ins. If operating conditions change in a way that could affect the ASV set pressures and the valve closure time after rupture identification, an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with § 192.745. The flow model must include a pressure drop/time chart or graph for the segment containing the ASV if a rupture event occurs and must show rupture segment isolation as soon as is practicable and within 30 minutes of rupture identification. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could assure that the 30-minute valve closure time is achievable. If an operator does not perform this flow modeling correctly, the set pressure could be too low, thus rendering a 30-minute closure time unachievable.

When conducting flow modeling for ASVs, operators should also consider what type of rupture may occur on their system, especially whether the rupture may be a pipe-body type or a seam-type failure. The flow model detection for a rupture should be based on 0.5 times the pipe diameter (or less) pipe area when sizing the pressure drop for a rupture.

Operators also have the option, in lieu of installing RMVs, to install alternative equivalent technology with an advance notification to PHMSA in accordance with §§ 192.18 and 195.18. An operator must include, for PHMSA's review, a site-specific technical and safety evaluation in its notice consisting of the following information, as well as any other information requested by PHMSA in its review of the notification: Design, construction, maintenance, and operating procedures; technology design and operating characteristics such as operation times (closure times for manual valves); service reliability and life; accessibility to operator personnel; nearby population density; and potential consequences to the environment and the public. Where the operator proposes to use manual valves as alternative equivalent technology, its notification to PHMSA must also demonstrate that installation of an RMV would be economically, technically, or operationally infeasible by reference to factors such as access to communications and power; terrain; prohibitive cost; component and labor availability; ability to secure required access rights and permits; and accessibility to operator personnel for installation and maintenance.

As discussed above, PHMSA is requiring an ''as soon as is practicable'' valve closure time (with an absolute ceiling of 30 minutes), measured from rupture identification pursuant to an operator's written procedures, in conjunction with eliminating the 10-minute rupture identification timeframe. Shortening the time it takes for an operator to close a RMV or alternative equivalent technology provides a better mitigation standard to protect the public and the environment from the consequences of a rupture. PHMSA notes that it has seen evidence of operators being able to isolate looped pipeline systems in less than 10 minutes—this rule should help ensure this timeframe is widely achievable. Operators of hazardous liquid pipelines must also consider the shut-down times they use when calculating worst-case discharges in accordance with § 194.105 and be able to close RMVs within that timeframe if it is less than 30 minutes.

For gas pipelines, some commenters suggested allowing operators to exceed the 30-minute closure standard if using manual valves as alternative equivalent technology in non-HCA, Class 1 locations, if the operator submits a notification demonstrating that installing an RMV would be economically, technically, or operationally infeasible. Given that non-HCA Class 1 locations are largely rural areas, PHMSA believes such a provision would be warranted if the operator could demonstrate they could not install

[40] 73 FR 62147 (Oct. 17, 2008).

a compliant valve or technology in those locations. In this final rule at § 192.636(g), PHMSA specifies that an operator seeking an exemption from the rule's RMV and alternative equivalent technology 30-minute operation requirement would, within its request submitted under § 192.18, have to provide PHMSA for its review, inter alia, with an estimated closure time of any manual valve employed as an alternative equivalent technology. PHMSA has not included procedural machinery for such an exemption from that operation requirement for manual valves used as alternative equivalent technology in non-HCA Class 2 locations in this final rule, however, because those locations would pose a greater risk to public safety: By definition, Class 2 locations have a minimum of 10 houses and up to 45 houses in the class location unit near the pipeline. The final rule incorporates at § 195.419(g) an analogous procedure for certain hazardous liquid pipelines (specifically, those that are neither in, nor could affect, an HCA) whereby an operator can request an exemption from the 30-minute operation requirement at § 195.419(b) when employing a manual valve as an alternative equivalent technology; those pipelines, too, pose a lower risk to public safety and environment from hazardous liquid pipeline segments which are located in, or could affect, an HCA.

In this final rule, PHMSA does not authorize operators, in conjunction with emergency responders, to leave RMVs or alternative equivalent technologies open for rupture mitigation or safety during emergency response, without first forwarding to PHMSA pursuant to §§ 192.18 or 195.18 such a request and developing appropriate written procedures. PHMSA believes that the need to isolate ruptures is paramount—precisely to be able to afford maximum safety for an emergency response as well as for mitigation purposes—and that RMVs and alternative equivalent technologies should be closed as soon as practicable. Any discussions occurring with emergency responders while an incident is occurring could lead to unjustified delays in isolating ruptures. If an operator has not established the need in their operating procedures for not closing valves prior to a rupture, the emergency responder(s) would probably not have the appropriate information to make such a decision promptly. Commenters at the GPAC meeting noted that there might be instances where leaving RMVs or alternative equivalent technologies open during emergencies was warranted, such as when the pipeline was the sole product source for a power plant or a hospital, or where closing a RMV or alternative equivalent technology would then have an adverse economic impact on other customers downstream. PHMSA has determined that, in situations such as these, the potential risks associated with interruption of gas supply to particular end users will generally outweigh the value of more quickly mitigating the nearly certain catastrophic consequences of a pipeline rupture. PHMSA notes that a rupture may itself result in interruption of service to critical facilities and electric generators, regardless of response actions taken by operators. Further, PHMSA notes that bi-directional product flow or the residual volume of product downstream of a ruptured pipeline segment can provide operators with time to isolate the ruptured pipeline segment while also redirecting product flow as necessary to ensure that any disruption to downstream facilities would be minimized. PHMSA also contemplates operators will appropriately plan for the aforementioned contingencies.

Based on the GPAC discussion, however, PHMSA has provided in this final rule a mechanism for an operator to forward to PHMSA such a request. Accordingly, an operator of a gas pipeline may request pursuant to § 192.18 to plan to leave an RMV or alternative equivalent technology open for more than 30 minutes following rupture identification if the operator can demonstrate to PHMSA that closing that RMV or alternative equivalent technology would be detrimental to public safety. Such a request must be coordinated in advance with appropriate local emergency responders, and the operator and applicable emergency responders must agree that it would be safe to leave the valve open. If PHMSA grants such a request to an operator, that operator would be required to have written procedures for determining when to leave a RMV or alternative equivalent technology open, including all plans for communicating with local emergency responders during a rupture event during which the RMV or alternative equivalent technology would be left open, and including measures by which the operator would minimize environmental impacts.

Regarding the comments requesting clarification on the meaning of ''other mitigative actions,'' PHMSA intended this phrase to require that operators take whatever action is appropriate to mitigate the event, in addition to closing the appropriate RMVs or alternative mitigative technologies. The specific actions PHMSA would expect an operator to take would be dependent on each unique rupture scenario and may include, but are not limited to, the closure of valves on laterals used for receipt or delivery and communication with product receipt and delivery customers.

E. RMVs

1. Summary of Proposal

In the NPRM, for gas pipelines, PHMSA proposed to require that all valves on newly constructed or entirely replaced onshore gas transmission and gathering pipelines that have diameters greater than or equal to 6 inches be ASVs, RCVs or an alternative equivalent technology. Operators seeking to use manual valves as an alternative equivalent technology would also need to demonstrate to PHMSA's satisfaction that installing an ASV or RCV was economically, technically, or operationally infeasible. PHMSA proposed to define the statutory phrase ''entirely replaced'' as being where an operator replaces 2 or more contiguous miles of pipeline with new pipe. All valves installed per this proposal would meet the new rupture-mitigation standards proposed and isolate a ruptured pipeline segment within 40 minutes of rupture identification. PHMSA also proposed that new or entirely replaced laterals contributing 5 percent of the total volume of the applicable gas line shut-off segment would also require RMVs.

For hazardous liquid pipelines, PHMSA similarly proposed to require that all valves on newly constructed and entirely replaced onshore hazardous liquid pipelines that have diameters greater than or equal to 6 inches be RCVs, ASVs, or an alternative equivalent technology. PHMSA proposed to permit operators to install manually or locally operated valves as alternative equivalent technology only when there were economic, technical, or operational feasibility issues precluding the installation of ASVs or RCVs and proposed to require operators to notify PHMSA as well. All valves installed under this proposal would meet the new rupture-mitigation standards proposed in § 195.418 and isolate a ruptured pipeline segment as soon as practicable, but within 40 minutes of rupture identification. Similar to gas transmission lines, new or entirely replaced laterals contributing 5 percent of hazardous liquid volume would also be required to install RMVs.

PHMSA also defined the term ''shut-off segment'' in the NPRM as the segment of applicable pipe between the RMVs closest to the upstream and

downstream endpoints of an HCA, a Class 3 location, or a Class 4 location so that the entirety of these areas is between RMVs. Multiple HCAs, Class 3 locations, or Class 4 locations can be contained in a single shut-off segment, and all valves installed on a shut-off segment are RMVs. While PHMSA did not specifically define the term ''rupture-mitigation valve'' in the NPRM, it used that term in the NPRM to describe the ASVs, RCVs, or alternative equivalent technology installed to mitigate ruptures.

For the proposed construction and replacement requirements, PHMSA proposed an implementation timeframe of 12 months following the effective date of the rule.

2. Comments Received

(i) ''Rupture-Mitigation Valve'' and Related Definitions

API/AOPL, GPA Midstream, Magellan Midstream Partner, L.P., and TC Energy Corporation recommended that PHMSA add a definition of an RMV for clarity. These industry commenters stated that the definition of an RMV should explicitly include check valves within its scope and also specify the purpose served by these valves, which is to minimize the volume of product released following a rupture and mitigate the safety and environmental consequences of a rupture. API/AOPL and GPA Midstream added that the definition of an RMV should include automated valves, alongside ASVs and RCVs, per the GAO report. Other commenters, representing hazardous liquid pipelines operators, noted that the definition should also contain EFRDs for hazardous liquid pipelines.

PHMSA also received several comments regarding the use of additional technologies and practices. Regarding valve types, industry commenters suggested PHMSA should allow operators to use a ''locked-out'' or ''tagged-out'' manual valve as an alternative equivalent technology at crossovers, and allow operators to use a check valve as an RMV for laterals used for receipt or delivery, provided that the check valve is positioned to stop product flow into the shut-off segment. Further, industry commenters suggested that PHMSA should add language to the final rule to confirm that locally actuated ASVs would be an acceptable alternative for RMVs and that operators could select any pipeline (mainline or lateral) or station valve as an RMV as long as it complied with the RMV spacing requirements.

Commenters also had suggestions for definitions related to RMVs, including ''shut-off segment'' and ''entirely replaced.'' For ''shut-off segment,'' commenters recommended defining that term and provided assorted editorial suggestions for the definition. Similar comments were made for the term ''entirely replaced.''

Additionally, for the term ''entirely replaced,'' industry commenters noted that PHMSA discussed the definition for the term in the preamble text but did not include it in the regulatory text. They asserted that the definition that PHMSA uses for ''entirely replaced'' in the NPRM is not consistent with the plain meaning of that term, as meaning ''in every way possible; completely.'' Based on that interpretation of the definition of ''entirely replaced,'' these commenters stated that replacing a portion of a pipeline would not constitute an ''entirely replaced'' pipeline and suggested that, based on PHMSA's definition, ''entirely replaced'' could create an incentive to make poor engineering decisions based on the potential consequences of a segment being ''completely'' replaced.

The PST stated that PHMSA provided no explanation for how it arrived at the 2-mile threshold or whether recent replacement projects were tallied to see how many recent projects that distance would include or exclude. The PST asserted that choosing a shorter distance would include more replacement projects and would therefore result in more of the Nation's pipeline systems having the additional protection of ASVs or RCVs. The PST also stated that because 2 miles is a long distance, it seems an easier distance to design around to avoid application of this rule. Therefore, the PST suggested PHMSA establish the definition of ''entirely replaced'' based on a replacement length of 600 contiguous feet or a length of more than 600 feet of any contiguous 1,000 feet, which would be a distance longer than a single integrity repair might require but short enough to capture smaller replacement projects. The PST stressed the importance of this definition due to limitations on changing design and construction requirements on existing pipeline systems. Similarly, other commenters from the general public suggested that PHMSA should reduce the distance for replacement that triggers valve installation to 1 mile of contiguous pipeline.

At the Committee meetings on July 22 and 23, 2020, discussions focused on the practicability of NPRM's proposed definition of ''entirely replaced.'' Pipeline operators generally supported the 2-mile element of the definition as striking an appropriate balance between safety benefits and practical difficulties (*e.g.,* obtaining land access rights and permits) associated with installing new RMVs on replacement pipelines—provided PHMSA clarify (1) the length of the pipeline from which the 2 miles of replaced pipe would be calculated was less than each operator's entire system, and (2) the timeframe over which those pipeline replacements would be conducted so as to accommodate pipeline maintenance planning cycles. The Committees unanimously recommended that PHMSA revise the final rule so that the ''entirely replaced'' standard applies to multiple replacements that, in the aggregate, exceed 2 miles of pipeline within a 5-contiguous-mile length within a 24-month period. The Committees also unanimously recommended PHMSA allow check valves and valves on crossover piping that are locked and tagged closed in accordance with operating procedures to be used as RMVs. Committee members noted that check valves could already be considered an ASV based on their design, and that check valves have been used effectively in hazardous liquid pipeline systems.

(ii) RMV Applicability

NAPSR and other commenters requested PHMSA clarify whether the proposed requirements would be applicable to low-stress systems, noting that rupture risk is greatly reduced for systems that operate at less than 20 or 30 percent of SMYS.

Similarly, the industry associations requested that PHMSA except pipelines from the RMV installation requirements where the PIR of those pipelines is less than 150 feet. They stated that pipeline diameter alone is not an accurate indicator of the potential consequences of a rupture, as many pipelines with diameters ranging from 6 inches to 12 inches operate at pressures low enough that the impact of a rupture would be minimal. The industry associations noted that a pipeline's PIR reflects both the pipeline size and the operating pressure, and it is therefore a better measure of potential consequence than diameter alone. Further, the industry associations noted that the 2019 Gas Transmission Final Rule [41] used a PIR of less than or equal to 150 feet to establish less-stringent requirements for aspects of MAOP reconfirmation and pressure reductions.

Commenters representing hazardous liquid pipeline operators similarly requested that PHMSA exempt pipeline segments that could not affect HCAs

[41] 84 FR 52180 (Oct. 1, 2019).

from the requirement for installing RMVs to create the greatest benefit for the rule using an HCA-focused approach consistent with the risk-based philosophy of the Federal Pipeline Safety Regulations.

For both gas and hazardous liquid pipelines, industry commenters requested that PHMSA clarify whether the 5 percent volume contribution for determining the need for RMVs on laterals is based on flow rate or total volume.

At the Committee meetings on July 22 and 23, 2020, the Committees recommended that PHMSA consider exceptions from the RMV installation requirement for pipelines with SMYS of 30 percent or less and for all gas transmission and gas gathering pipelines with a PIR equal to or less than 150 feet (not for pipeline segments in Class 4 locations) considering cost-benefit issues and while maintaining the integrity of the rule. For hazardous liquid pipelines, the Committees recommended that PHMSA consider exceptions for pipelines 30 percent of SMYS or less.

Further, the GPAC recommended PHMSA consider an exception for Type A gas gathering pipelines of 12 inches or less and Type B gas gathering pipelines. Both the GPAC and the LPAC recommended that PHMSA consider the appropriateness of applying this rulemaking, or a separate rulemaking, to gathering lines.

(iii) Timeframe for RMVs To Be Operational and Implementation Period

With regard to the timeframe for making RMVs operational following operators placing pipelines into service, INGAA et al. requested that PHMSA provide operators with 14 days rather than the 7-day period proposed. They stated that several safety and operational activities must take place following the introduction of gas into a new pipeline segment, including the testing of control and communication systems, evaluating system constraints, and conducting management of change processes, which could require more than 7 days to conduct. Some commenters from industry also suggested that PHMSA change the implementation period for new construction from 12 months after the effective date to 24 months.

At the GPAC and LPAC meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA change the implementation period of the rule to 24 months after publication date for gas transmission and gas gathering pipelines, and consider reducing the implementation of the rule to be between 12 and 18 months for hazardous liquid pipelines. On both Committees, members representing the public (including PST) were initially reluctant to provide longer periods of time for the implementation of the rule. However, PHMSA noted during the meeting that the NPRM already provided a compliance period of 12 months after the 6-month effective date of the rule, which would have provided a compliance date of 18 months after the rule's publication. Members of the Committees representing industry (including Enbridge, National Grid, Marathon Pipeline, Colonial Pipeline, DCP Midstream, and PECO) noted that there could be significant lead time required for obtaining actuators for valves for larger-diameter pipelines, and recommended longer implementation times for the rule. As a result of this discussion, the committee ultimately recommended the 24-month implementation period. Additionally, for hazardous liquid pipelines, the LPAC also unanimously recommended PHMSA change the timeframe to activate RMVs after construction from 7 days to 14 days because of practicability concerns.

(iv) Notifications

Commenters representing hazardous liquid pipeline operators stated that PHMSA should align the various notification requirements throughout the rulemaking, including those for ''other [alternative equivalent] technology'' requests, with other part 195 notification requirements. Regarding such notifications, the PST requested that PHMSA clarify what criteria or standards are needed to justify the determination and provide for an equivalent level of safety. Commenters also requested that this notification period operate similarly to how PHMSA has created notifications for gas pipeline operators; namely, that unless an operator receives a specific objection from PHMSA or a request for more review time before the 90-day period has passed, the operator can install the technology under the assumption that PHMSA has no objection.

INGAA et al. also recommended PHMSA revise the rule so that the notification process for alternative technology such as manual valves applies to all locations, asserting that operators installing new or replaced pipelines in remote areas are likely to use this process.

At the Committee meetings on July 22 and 23, 2020, the LPAC and GPAC each unanimously recommended that PHMSA add specificity on standards for PHMSA review of ''other technology'' and manual valve notifications. The LPAC also unanimously recommended PHMSA incorporate the notification requirements of § 192.18 into the final rule and make a similar provision for hazardous liquid pipelines.

3. PHMSA Response

(i) ''Rupture-Mitigation Valve'' and Related Definitions

PHMSA notes that there was concern regarding the clarity of the terms RMV, ''shut-off segment,'' and ''entirely replaced,'' and PHMSA has revised those terms in this final rule.

For the definition of an RMV, PHMSA has made it explicit that such a valve is an ASV or an RCV. Commenters from industry requested PHMSA allow the use of certain valve technologies to satisfy the proposed RMV or alternative equivalent technology installation requirement. In this final rule, PHMSA is clarifying that a valve on crossover piping that is locked and tagged closed in accordance with operating procedures would qualify as an alternative equivalent technology. PHMSA notes that, for other technologies (such as check valves) that commenters from industry had suggested should be generally considered alternative equivalent technologies, PHMSA included a pre-installation notification procedure for alternative equivalent technologies and will consider requests to use such technologies on a case-by-case, site-specific basis. When determining the appropriateness of alternative equivalent technologies for a particular site, PHMSA will consider technical and safety information submitted by an operator including, but not limited to, design, construction, maintenance, and operating procedures; technology design and operating characteristics such as operation times (closure times for manual valves); service reliability and life; accessibility to operator personnel; nearby population density; and potential consequences to the environment and the public.

The definition of a ''shut-off segment,'' as it pertains to RMVs and alternative equivalent technologies, has been clarified in this final rule as well. These segments are only relevant when RMVs or alternative equivalent technologies are installed pursuant to this final rule for Class 3 and Class 4 locations for gas pipelines, as well as HCAs (or on pipeline segments that could affect HCAs, in the case of hazardous liquid pipelines) for gas and hazardous liquid pipelines. Shut-off

segments are defined as segments of pipe located between the upstream mainline valve closest to the upstream endpoint of the new or entirely replaced Class 3, Class 4, or HCA segment, and the downstream mainline valve closest to the downstream endpoint of the new or entirely replaced Class 3, Class 4, or HCA segment. Shut-off segments can include crossover or lateral pipe depending on where that pipe connects to the specific shut-off segment. Single shut-off segments can include multiple Class 3, Class 4, or HCA pipeline segments.

Pertaining to the definition of ''entirely replaced,'' it was not PHMSA's intent to require the addition of RMVs or alternative equivalent technologies for small maintenance replacements, such as at road crossings or anomaly repairs where the pipe is replaced. PHMSA did note throughout the NPRM that it was considering ''entirely replaced'' to mean the replacement of 2 contiguous miles of pipe. Some commenters representing the public noted that pipeline operators may try to schedule replacement activities and pipeline segment lengths to circumvent the replacement mileage threshold. PHMSA determined that this concern is mitigated by the recommendations of the Committees to clarify that the RMV and alternative equivalent technology installation requirements would apply to those replacement projects where 2 or more miles of pipeline, in the aggregate, are replaced within any 5 contiguous miles within any 24-month period. PHMSA is aware that sourcing valves might take a long lead time, and that waiting to install a valve, at any location, could be deleterious to safety. Requiring the installation, or automation, where applicable, of valves where relatively larger construction projects are taking place will facilitate operators obtaining and installing the RMVs or alternative equivalent technologies required by this final rule. Accordingly, in this final rule, PHMSA has introduced specific definitions for ''entirely replaced onshore transmission pipeline segments'' and ''entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments'' meaning those gas and hazardous liquid pipeline replacement projects where 2 or more miles of pipe have been replaced within any 5 contiguous miles of pipe within any 24-month period.

(ii) RMV Applicability

Certain commenters from the industry and the industry associations requested various exemptions for the RMV and alternative equivalent technology installation requirements, including pipelines that operated at pressures below 30 percent of SMYS. Pipelines operating at pressures below 30 percent of SMYS have ruptured in the past, and low operating pressure is not a guarantee that the pipe will not rupture. However, PHMSA is aware of data that would indicate that pipelines operating at pressures lower than 20 percent of SMYS are at less risk of rupturing. A study on pipelines that ruptured while operating at low hoop stresses that was published in 2013 noted that, within the 5-year window of the study, there were seven pipeline ruptures occurring on pipelines operating at a pressure below 20 percent SMYS.[42] The authors of the study noted that, while these are not highly likely events, the likelihood is not so low where certain conditions could be present that they do not need to be considered in an operator's IM plans.

Additionally, according to PHMSA's 2019 annual report data, the population of natural gas and hazardous liquid pipelines that operate at these pressures are a small portion of the aggregate mileage of those types of pipelines across the United States.[43] Consistent with other, current regulatory requirements, PHMSA believes it is reasonable to add certain exemptions for pipeline segments operating at lower stress levels. For natural gas pipelines, PHMSA presented data during the GPAC meeting showing a correlation between pipelines operating at lower stresses and pipelines with smaller PIRs. Given that natural gas pipelines that would have a PIR of less than 150 feet would typically be either pipelines of smaller diameter that would not be subject to the requirements of this rulemaking, or larger pipelines operating at lower stresses, PHMSA believes it would be feasible to exempt such pipelines from the RMV and alternative equivalent technology installation requirements if those pipelines are in Class 1 or Class 2 locations. PHMSA did not accept the GPAC's recommendation to provide an exception, based on the pipeline's PIR, for gas transmission and gathering pipelines in Class 3 locations. Pipelines in Class 3 locations are by definition adjacent to population centers: A Class 3 location is where there are 46 or more buildings for human occupancy within the class location unit, or where there is a building or area that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. PHMSA has determined that, while it might be less likely that a gas pipeline operating at lower stresses in a Class 3 location would rupture, the potential consequences to public safety and the environment are still unacceptable.

For hazardous liquid pipelines, PHMSA notes that there are currently regulatory requirements for low-stress pipelines in rural areas. By definition (at § 195.12), these pipelines operate at stress levels equal to or less than 20 percent of SMYS. The environmental consequences of a hazardous liquid spill can linger for many years, and hazardous liquids can travel far from the initial accident site to affect other areas as well. Therefore, counter to the LPAC recommendation, PHMSA is not providing hazardous liquid pipelines that operate at lower stresses an exemption from the RMV installation and usage requirements of this rulemaking.

Some commenters (including TC Energy and the industry associations) requested PHMSA provide exemptions from RMV installation requirements for, or otherwise exclude, gas pipelines in Class 1 and Class 2 locations, and for hazardous liquid pipelines that are outside of HCAs. PHMSA notes that, for hazardous liquid pipelines, there are many locations, such as non-navigable waterway crossings, that could experience significant consequences from an accident even though they are not defined as HCAs. For gas pipelines, there have been many instances where a Class 1 location in which a pipeline has been installed has later experienced so much population growth that it has grown into a Class 3 location. Requiring operators to install RMVs and alternative equivalent technology on Class 1, Class 2, and non-HCA infrastructure is prudent and provides future generations with a baseline level of public and environmental safety that can accommodate changes in population density.

As discussed earlier in this rulemaking, PHMSA considered the recommendations the Committees made regarding the applicability of this rulemaking to gathering pipelines. For gas pipelines, PHMSA determined that the risk profile of Type A gas gathering pipelines was considerable enough not to impose a broad exception to the rule's requirements, as these pipelines tend to operate at higher pressures and are in Class 2, Class 3, or Class 4 locations,

[42] Rosenfeld & Fassett ''Study of Pipelines that Ruptured While Operating at a Hoop Stress Below 30% SMYS;'' Pipeline Pigging and Integrity Management Conference (Feb. 13–14, 2013).

[43] Seven percent of the gas transmission mileage operates at pressures below 20 percent of SMYS, which equates to approximately 21,000 miles out of 302,000 miles. For hazardous liquid pipelines, 3 percent of the total mileage operates as pressures less than 20 percent of SMYS, which equals 6,750 miles out of a total of 225,000 miles.

where there are more concentrated populations. However, based on risk profile, PHMSA did create a general exemption from the RMV and alternative equivalent technology installation requirements in this rulemaking for Type A gas gathering pipelines in Class 2 locations with a PIR of 150 feet or less. Operators of Type A gas gathering pipelines that have a PIR of 150 feet or less in a Class 2 location are not required to install RMVs or alternative equivalent technology in accordance with this rulemaking. PHMSA considered the GPAC's recommendation applicable to Type B gathering lines and determined that a broad exemption from the RMV and alternative equivalent technology requirements would be warranted, given the fact that Type B gas gathering pipelines, by definition, operate at hoop stresses less than 20 percent of SMYS. Pipelines operating at pressures that low are less likely to rupture. As noted above, PHMSA will carefully monitor data from these lines to inform future rulemaking.

For hazardous liquid pipelines, PHMSA noted earlier that regulated hazardous liquid gathering pipelines would be required to install and use RMVs and alternative equivalent technologies in accordance with this rulemaking, as hazardous liquid gathering pipelines that are in non-rural areas are required to comply with the entirety of part 195. However, PHMSA is exempting regulated rural gathering pipelines from the RMV and alternative equivalent technology requirements of this rulemaking unless they cross bodies of water greater than 100 feet wide, as ruptures on regulated rural gathering pipelines would generally involve less risk to public safety and property than non-rural gathering lines, and ruptures on regulated rural gathering lines that cross large bodies of water have the potential to cause more significant environmental damage. Regarding the comment that PHMSA should clarify whether the 5 percent volume contribution for determining the need for RMVs on laterals is based on flow rate or total volume, § 192.634(b)(3) states that the 5 percent volume contribution is based on total volume.

(iii) Timeframe for RMVs To Be Operational and Implementation Period

Regarding the timeframe for making RMVs and alternative equivalent technologies operational, PHMSA has determined that 14 days is more appropriate than the proposed 7 days given that (as noted in the comment submitted by INGAA et al.) a number of activities must take place after a pipeline has been placed into service but before an RMV is fully operational—PHMSA understands the scale and number of those activities make completion within the proposed 7-day timeline impracticable. Accordingly, PHMSA has adjusted that timeframe in this final rule. PHMSA has also provided a procedural machinery for operators to request an extension beyond 14 days if completion of necessary activities for a valve to become operational is not economically, technically, or operationally feasible (*e.g.,* due to prohibitive costs, labor or component shortages, or required permitting or access rights).

Regarding the implementation date for RMV and alternative equivalent technology installation, PHMSA notes the confusion several commenters had regarding the implementation date and the effective date of the rule. In this final rule, PHMSA is clarifying the implementation date for RMV and alternative equivalent technology installation by stating that pipelines and pipeline segments installed or entirely replaced beginning 12 months after the publication date of the final rule will be required to have RMVs or alternative equivalent technologies. PHMSA believes 12 months is a reasonable implementation period for RMV and alternative equivalent technology installation rather than the 24 months recommended by the Committees as it should provide operators with sufficient lead time to source RMV or alternative equivalent technology for planning construction and replacement projects without causing substantial implementation delay. Further, as shown in the RIA, PHMSA has found that much new pipeline construction is already obtaining and installing RMVs. If a gas or hazardous liquid pipeline operator anticipates it will not be able to meet this compliance timeframe, it may request from PHMSA, in accordance with §§ 192.18 and 195.18, respectively, additional time to comply because of economic, technical, or operational feasibility constraints (*e.g.,* labor or component availability constraints and lead times, prohibitive cost, permitting requirements, or obtaining requisite access rights) with respect to its near-term construction and replacement projects. Per the procedures at §§ 192.18 and 195.18, PHMSA has discretion to grant or deny an operator's request based on the information that the operator provides.

(iv) Notifications

Regarding the notification requirements for RMV and alternative equivalent technology installation, PHMSA acknowledges that aligning the notification process with the recently finalized § 192.18 would be beneficial. Accordingly, PHMSA has done so in this final rule for both hazardous liquid and gas pipelines. For gas pipelines, this means that PHMSA has cross-referenced the notification requirements in this final rule to § 192.18 to provide for, and build upon, the notification process that is in that section. For hazardous liquid pipelines, because there was no corresponding notification section, PHMSA has created a new § 195.18 in this final rule that functions similarly to § 192.18. For any notifications related to the RMV and alternative equivalent technology requirements of this rulemaking, § 195.18 provides a consistent process where operators submit in advance of installation the pertinent, requested information to PHMSA, and PHMSA has 90 days in which to review and respond to the request. If an operator does not receive a letter of objection or a request from PHMSA for more time or information for PHMSA to complete its review of the request within 90 days of the notification, then the operator may use the alternative technology, method, compliance timeline, or valve spacing that is being requested. Similar to the notification response process for part 192, PHMSA's objection will specify the reasons PHMSA does not approve of the proposed alternative technology, method, compliance timeline, or valve spacing, while a request from PHMSA for more time to review the request will extend the notification review period beyond 90 days. Further, to establish a verifiable record, it is PHMSA's policy to send a formal ''no objection'' letter or email, either before or after the 90-day review period, when PHMSA does not object to an operator's request in the notification.

F. Valve Spacing & Location

1. Summary of Proposal

In the NPRM, PHMSA proposed to require RMVs or alternative equivalent technologies installed on newly constructed or entirely replaced gas and hazardous liquid pipelines to be spaced at certain intervals. For gas pipelines, PHMSA proposed that the distance between RMVs or alternative equivalent technologies must not exceed 8 miles for Class 4 locations, 15 miles for Class 3 locations, and 20 miles for Class 1 and Class 2 locations in HCAs. For hazardous liquid pipelines, PHMSA proposed RMV and alternative equivalent technology spacing of 15 miles for HCAs and 7½ miles for HVL lines in populated HCAs. PHMSA also

proposed valve spacing of 20 miles for hazardous liquid pipelines not in HCAs and spacing of a maximum of 1 mile for pipelines at water crossings of greater than 100 feet in width so that the valve is located outside of the flood plain, or the actuators and controls were otherwise unaffected by floodwaters.

In §§ 192.634 and 195.418, PHMSA also proposed that operators would, in HCAs and Class 3 and Class 4 locations for gas pipelines, install RMVs or alternative equivalent technologies upstream and downstream of new construction and replacements longer than 2 contiguous miles regardless of whether the project involved a valve installation.

PHMSA also proposed to modify the IM requirements for both gas and hazardous liquid pipelines to specify that RMVs or alternative equivalent technologies installed to protect HCAs must meet the design, operation, testing, maintenance, and rupture mitigation requirements proposed elsewhere in the NPRM.

2. Comments Received

(i) Spacing

The PST and the NTSB stated the maximum RMV and alternative equivalent technology spacing intervals proposed in the NPRM might not be sufficient to mitigate the consequences of a ruptured pipeline, with the PST expressing concern that 15- and 20-mile spacing is too far, especially for large-diameter pipelines.

For hazardous liquid pipelines, commenters representing the pipeline industry generally did not support a universal mileage threshold for maximum valve spacing without considering the feasibility, practicability, and public safety benefits associated with installing a valve at a particular location. Magellan Midstream Partners L.P. specifically requested PHMSA consider valve spacing that relies on operator programs providing for pipeline-specific evaluations on optimization of valve spacing to reduce the magnitude of potential releases within HCAs. Similarly, commenters representing the hazardous liquid pipeline industry requested PHMSA provide a process for operators to request alternative valve spacing distances for situations where an operator determines the installation of additional valves would not provide additional public safety or where installation is otherwise infeasible.

API, AOPL, and GPA Midstream also suggested that PHMSA's proposal for the maximum valve spacing for HVL pipelines was too stringent at 7 ½ miles and that a 10-mile distance for valves on HVL pipelines would better align PHMSA requirements with standards established in Canada that would be more appropriate for pipelines in the United States. API, AOPL, and GPA Midstream suggested that a 7 ½-mile spacing for HVL pipelines was appropriate only for those pipelines in HCAs. Commenters also noted that the Canadian standard provides operators with a 25 percent spacing flexibility when determining valve locations, and the commenters recommended PHMSA provide a similar allowance.

The PST expressed confusion regarding the NPRM language related to RMV and alternative equivalent technology spacing, suggesting that their interpretation of the proposed regulatory text would allow RMVs and alternative equivalent technology to be spaced at distances greater than the current valve spacing requirements at § 192.179. By contrast, their expectation is that PHMSA's intent is to require more valves at closer spacing intervals than the current rules, or at most, at the same spacing. The PST requested PHMSA clarify whether new valve spacing requirements would be equal to or more stringent than currently required.

At the GPAC meeting on July 22, 2020, the Committee unanimously recommended that PHMSA specify that the spacing requirements in § 192.634 apply to replacement projects covered by § 192.179. At the LPAC meeting on July 23, 2020, the Committee unanimously recommended that PHMSA add a 25 percent tolerance to the spacing of HVL pipelines and add a notification procedure to allow operators of hazardous liquid pipelines to obtain relief from the valve spacing requirements on a case-by-case basis.

(ii) Location

INGAA et al. noted that using an automated valve in a remote area may create a comparatively higher reliability risk than using an automated valve in a more populated area, noting that if a communications failure, power loss, or other malfunction causes an automated valve in a remote area to close unnecessarily, it may take the operator hours to arrive at the valve and restore service, leading to an extended loss of gas supply. They also stated that, in locations where an operator employs an RCV to meet the proposed installation requirement in a Class 1 or Class 2 location, it will take more time for the operator to acquire information about a potential rupture event in remote areas. Further, INGAA et al. stated that operators require significant information about a potential rupture event before making the critical decision to close an RCV, as closing a valve prematurely can have the same disruptive impacts to customers as a rupture.

INGAA et al. also noted that limiting the RMV and alternative equivalent technology installation requirements to pipelines in HCAs and Class 3 and Class 4 locations would also improve the clarity of the rulemaking, stating that the rule, as written, is confusing. INGAA et al. suggested PHMSA revise § 192.179 to clarify that Class 1 and Class 2 locations outside of HCAs do not require RMVs or alternative equivalent technologies to be installed unless the replacement project involves a valve. INGAA et al. noted that this ''opportunistic approach'' appears to have been PHMSA's intent in the proposal, and it differed from their understanding of the rule's application to replacement projects in HCAs and Class 3 and Class 4 locations. Other commenters had similar suggestions and requested PHMSA revise cross-references throughout the rule for clarity. Commenters representing hazardous liquid pipeline operators made a similar comment pertaining to the proposals for hazardous liquid pipelines.

API and AOPL also requested that PHMSA clarify the requirements for the placement of valves near water crossings, recommending that PHMSA base the valve spacing requirements on the size of a 100-year flood plain.

Operators of both gas and hazardous liquid pipelines recommended that PHMSA explicitly state that a shut-off segment must contain the new or replaced HCA segment or Class 3 or Class 4 segment where RMVs or alternative equivalent technologies are installed. Related to shut-off segments, these operators also asked PHMSA to clarify whether operational block valves would be permitted within a shut-off segment, and if an RMV or alternative equivalent technology would need to be the nearest valve to the shut-off segment. Some commenters noted that requiring valves within the endpoints of certain segments might create valve spacing more stringent than the current valve spacing requirement. Further, INGAA et al. questioned if an RMV or alternative equivalent technology is needed at the termination of a pipeline.

For hazardous liquid pipelines, several commenters requested PHMSA clarify what a ''flood plain'' is for the purposes of valve spacing at water crossings, with some commenters suggesting PHMSA specify operators must use the 100-year flood plain. The PST requested PHMSA clarify what

''flood conditions'' meant. Similarly, certain commenters, including Magellan, requested that PHMSA remove the 1-mile limitation on water crossings or provide for alternative spacing if that mile is within the flood plain.

PHMSA also received comments requesting that it remove the proposed requirement to locate valves within 7½ miles of the endpoint of an HCA segment.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA:

(1) Clarify that replacement projects in non-HCA Class 1 and Class 2 locations do not require RMVs or alternative equivalent technology unless the replacement project involves a valve. Throughout industry public comments, this was what was referred to as the ''opportunistic approach.'' For hazardous liquid pipelines, the LPAC recommended PHMSA revise the rule to clarify the same concept for pipelines in non-HCA locations.

(2) Specify that proposed valve spacing requirements related to pipeline replacements and RMV and alternative equivalent technology installation requirements do not apply to pipelines in non-HCA Class 1 and Class 2 locations.

(3) Specify that a ''shut-off segment'' must contain the newly constructed or replaced HCA or Class 3 or Class 4 pipeline segment.

(4) Specify that RMVs or alternative equivalent technology would not be required at the downstream termination of a pipeline. Further, specify that operational block valves are allowed within a shut-off segment and RMVs and alternative equivalent technology need not be the nearest valve to a shut-off segment.

(5) For hazardous liquid pipelines, specify the 100-year flood plain at hazardous liquid pipeline water crossings.

3. PHMSA Response

(i) Spacing

PHMSA believes the valve spacing it proposed in the NPRM for both gas and hazardous liquid pipelines is appropriate. For new gas pipeline construction, spacing of RMVs and alternative equivalent technology will follow existing requirements at § 192.179(a) determining distance by reference to class location: 2.5-mile intervals in Class 4 locations, 4-mile intervals in Class 3 locations, 7.5-mile intervals in Class 2 locations, and 10-mile intervals in Class 1 locations. For replacement projects on gas pipelines, PHMSA's experience with how operators implement a ''one-class bump'' when a pipeline's class location changes support the final rule's spacing approach. Per the current requirements following a class location change, an operator can base a pipeline's MAOP on a specified design factor multiplied by the test pressure for the new class location as long as the corresponding hoop stress does not exceed certain percentages of the SMYS of the pipe and as long as the pipeline has been tested for a period of 8 hours or longer in accordance with § 192.611(a)(1). This approach has been practical for operators where single-step class location changes occur. Operators performing one-class bumps leave the existing infrastructure in place, which means that, even though the class location has changed, the design standards of the original pipeline are still being used. In addition to wall thickness and steel strength, this applies to the spacing of the valves along the segment as well. For example, operators have been able to use Class 1 spacing standards for valves on a pipeline segment that has changed from a Class 1 to a Class 2 if the operator has followed the appropriate procedures in § 192.611. PHMSA is extending this same methodology to replacement RMV and alternative equivalent technology spacing for gas pipelines by allowing operators to use the maximum valve spacing of a class below the class location of the replacement project. In practice, this means that replacement projects requiring RMVs or alternative equivalent technology in Class 4 locations can have RMVs or alternative equivalent technology spaced at a maximum of 8 miles, replacement projects requiring RMVs or alternative equivalent technology in Class 3 locations can have RMVs or alternative equivalent technology spaced at a maximum of 15 miles, and replacement projects in Class 1 and Class 2 locations can have RMVs or alternative equivalent technology spaced at a maximum of 20 miles. If the RMV or alternative equivalent technology spacing is greater than the spacing for the next class location, a new RMV or alternative equivalent technology is required. Going forward, PHMSA will monitor data in these locations to ensure such spacing does not create an undue risk to people or the environment.

According to PHMSA's data from 2015 to 2019, hazardous liquid pipeline operators have constructed or replaced 4,708 miles of pipeline that is 6 inches or greater in diameter, and they have installed a total of 673 valves on that pipeline mileage for an average of 1 valve for every 7 miles. Therefore, PHMSA does not believe it is onerous to finalize minimum valve spacing standards at every 15 miles for pipeline segments in, or which could affect, HCAs and at every 20 miles for pipeline segments that could not affect HCAs. However, a hazardous liquid pipeline operator may request an exemption from these requirements if it can demonstrate to PHMSA in accordance with the notification procedures in § 195.18, that installing an RMV or alternative equivalent technology as otherwise required by § 195.260 would be economically, technically, or operationally infeasible by reference to factors such as access to communications and power; terrain; prohibitive cost; component and labor availability; ability to secure access rights and necessary permits; and lack of accessibility to operator personnel for installation and maintenance. That notice must also include a safety evaluation of deviation from this final rule's spacing requirements that references technical and safety factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures for pertinent pipeline segments; potential consequences to the environment and the public from a rupture on the pertinent pipeline segments; and mitigation measures (*e.g.,* operating times for isolation valves) in the event of a rupture.

Concerning the proposed spacing for HVL pipeline segments, PHMSA based the valve spacing requirements on the recommended spacing in American Society of Mechanical Engineers (ASME) B31.4, ''Pipeline Transportation Systems for Liquids and Slurries,'' an industry standard that has existed for many decades. PHMSA does not believe that permitting broad tolerance from the HVL valve spacing requirements in a manner similar to the Canadian standard commenters referenced is appropriate, as PHMSA prescribed this valve spacing standard only in high-population areas or other populated areas as defined by § 195.450 where there would be significant populations in need of additional protection. However, in accordance with the LPAC recommendation, PHMSA has provided in this final rule a method for operators to request (in accordance with § 195.18 and subject to PHMSA review) an increase, by 25 percent, of the maximum valve spacing intervals for HVL pipeline segments in high-population areas or other populated areas should the installation of a valve at a particular location not be economically, technically or operationally feasible. Operators would, in connection with that notice, submit a safety evaluation referencing technical and safety factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures

for pertinent pipeline segments; potential consequences to the environment and the public from a rupture on the pertinent pipeline segments; and mitigation measures in the event of a rupture. If PHMSA grants the request, the operator is required to keep the records necessary to support such a determination for the useful life of the pipeline.

PHMSA considered the comments regarding the clarity of the proposed valve spacing regulations and the interplay of the various sections of the NPRM when drafting this final rule. PHMSA attempted to simplify the regulatory text by dividing the RMV sections into installation requirements and performance requirements. PHMSA also attempted to consolidate notification requirements broadly by establishing a notification section in part 195, similar to that established in part 192 in the 2019 Gas Transmission Final Rule, and cross-referencing to these sections whenever a notification might be required in the regulations. In addition to reducing the amount of regulatory text, these sections also provide for a more consistent notification process across the regulated community.

(ii) Location

PHMSA notes that the proposed RMV and alternative equivalent technology requirements for gas pipelines in Class 1 and Class 2 locations were intended to apply only to new construction and those replacement projects where 2 or more miles were being replaced and which involved a valve. This was unlike the proposed requirements for gas pipe replacements in excess of 2 miles in HCAs and Class 3 and Class 4 locations, which, as proposed, would have needed upstream and downstream RMVs or alternative equivalent technology regardless of whether the project impacted an existing valve. Therefore, PHMSA is clarifying in this final rule that operators are to take the ''opportunistic'' approach suggested in the comments and are required to install RMVs or alternative equivalent technology during pipe replacement projects in non-HCA Class 1 or Class 2 areas only if the replacement project involves the addition, replacement, or removal of a valve. As previously discussed, this requirement does not apply to those Class 1 or Class 2 locations that have a PIR of 150 feet or less. For hazardous liquid pipelines, the same approach applies to those replacements in non-HCA locations.

Commenters questioned whether a newly constructed or entirely replaced pipeline segment in an HCA was supposed to be included within a shut-off segment for the purposes of the NPRM. PHMSA intended the shut-off segment to include the entire new or replaced pipeline segment in (or, for hazardous liquid lines, which could affect) an HCA and has clarified that intent in the regulatory text of this final rule by stating so explicitly in §§ 192.634 and 195.418. Similarly, some commenters from the hazardous liquid pipeline industry also questioned whether requiring an RMV or alternative equivalent technology within 7½ miles of the endpoint of a hazardous liquid pipeline segment in or which could affect an HCA would ultimately reduce the existing valve spacing. PHMSA did not intend for such a measure to reduce valve spacing and determined that the requirement is duplicative of similar preventative and mitigative requirements set forth in § 195.452. As such, PHMSA has determined that the proposed requirement may have been unnecessary and has deleted it from this final rule.

INGAA et al. also requested PHMSA clarify whether an RMV or alternative equivalent technology is needed at the termination of a pipeline. Per this final rule, an RMV or alternative equivalent technology is needed at the termination of a pipeline, and PHMSA is clarifying that an operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology; PHMSA understands that the logical termination of a pipeline might be within a station, and a valve there could also be used as an RMV or alternative equivalent technology to help isolate a rupture on the pipeline system. Such a valve used as an alternative equivalent technology would not require an advance notification to PHMSA pursuant to §§ 192.18 or 195.18, but, as with any alternative equivalent technology, it must be able to be closed as soon as is practicable and absolutely within 30 minutes after the rupture identification and comply with the applicable provisions of this final rule.

Further, PHMSA also received questions regarding whether operational block valves are permitted within a shut-off segment and whether an RMV or alternative equivalent technology needs to be the nearest valve to the shut-off segment. In the NPRM, PHMSA stated that ''all valves in a shut-off segment'' needed to be RMVs or alternative equivalent technology. However, it was PHMSA's intent that operational block valves be allowed within a shut-off segment as long as the RMV or alternative equivalent technology is within the valve spacing requirements. As such, PHMSA has removed that phrase from this final rule; the section now states the requirements for installing RMVs or alternative equivalent technologies, and it leaves open the possibility that an operator can install additional block valves on a shut-off segment between compliant and appropriately spaced RMVs or alternative equivalent technologies. PHMSA is also clarifying in this final rule that RMVs or alternative equivalent technologies do not need to be the nearest valve to the shut-off segment, and has specifically stated this in the RMV and alternative equivalent technology installation sections at §§ 192.634 and 195.418.

Regarding comments about the installation of RMVs or alternative equivalent technologies near river crossings and flood plains, PHMSA notes that, based on the comments it received, it has made explicit in this final rule that such valves must be installed outside of the 100-year flood plain of the body or bodies of water, or the valves must have actuators and other control equipment installed so as to not be impacted by flood conditions, or the equipment might be elevated to a level where they will not be impacted by flood conditions. PHMSA considers ''flood conditions'' to be where water is at a high enough level near the valve so that it, or the related electronics, would not operate. Flood conditions also can include debris carried by floodwaters that could affect the equipment. For multiple water crossings, PHMSA structured the proposed requirements to provide operators the flexibility to install valves near sites where there are multiple water crossings and where there might be potential access issues between water crossings. This mechanism is consistent with approvals PHMSA has granted operators under the existing authority and process at § 195.260. In this final rule, PHMSA is requiring operators to locate valves upstream and downstream of the first and last of multiple water crossings so that the total distance between the upstream-most valve and the downstream-most valve does not exceed 1 mile, rather than requiring an operator to install RMVs or alternative equivalent technologies on either side of each water crossing where there are multiple water crossings.

G. Valve Status Monitoring

1. Summary of Proposal

In the NPRM, PHMSA proposed to require operators to monitor or otherwise control RMVs or alternative equivalent technologies using remote or

on-site personnel. This monitoring or control would include the valve status, the upstream and downstream product pressures, and product flow rates during normal, abnormal, and emergency operations. PHMSA also proposed to require operators be able to monitor the status of valves during rupture events.

2. Comments Received

Several commenters, including INGAA et al., questioned whether remote monitoring of ASVs was required, as those valves would be set to respond automatically to rupture events and not require additional input.

INGAA et al. also requested that PHMSA allow operators to monitor pressure or flow rates in lieu of valve status if they were unable to monitor valve status. PHMSA was also asked to clarify whether operators would need to monitor remotely the flows and pressures through manually operated RMVs after they close. Further, PHMSA was also asked to remove, on efficiency grounds, the proposed requirement for operators to station personnel at a manually operated RMV site for continuous monitoring.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA specify that an operator does not need to monitor ASV status if the operator can monitor pressures or flows in the pipeline segment to be able to identify and locate a rupture. This differed from the proposed language in that, as worded, an operator would have been required to monitor ASV status in addition to pressures and flows. The Committees also unanimously recommended PHMSA provide a similar allowance for manual valves.

3. PHMSA Response

PHMSA maintains that an operator's ability to monitor the upstream and downstream pressures around RMVs and alternative equivalent technologies is important to identify ruptures effectively and mitigate incidents. As such, PHMSA expects all valves installed as RMVs and as alternative equivalent technologies to monitor pressures upstream and downstream of those valves at all times. However, if operators can monitor upstream and downstream pressures around manual valves that are being used as alternative equivalent technologies or ASVs in real-time so that they can identify and locate a rupture, operators do not need to station personnel at a site where a manually operated alternative equivalent technology has been installed or continually monitor ASV status. In accordance with the Committee recommendations on this issue, PHMSA has specified in this final rule that, if an operator can remotely monitor either pressures or flows in real-time at an ASV or a manual shut-off valve such that they can identify and locate a rupture, the operator does not need to monitor valve status continually, nor are operators required to monitor the pressures on manual valves being used as alternative equivalent technology once those valves are closed in response to a rupture.

H. Class Location Changes

1. Summary of Proposal

In the NPRM, PHMSA proposed to clarify the valve spacing requirements of § 192.179 and to apply the RMV and alternative equivalent technology installation requirement and rupture-mitigation requirements to pipelines where segments of pipe (of any length) were replaced to meet MAOP requirements following a class location change. As proposed, operators would need to install necessary RMVs or alternative equivalent technology within 24 months of the class location change.

2. Comments Received

INGAA et al., GPA Midstream, and the KOGA, expressed concern over the proposed § 192.610 requirements and recommended revisions to the rule language. INGAA et al. indicated that class location change pipe replacements produce minimal pipeline safety benefits because they involve less than 75 miles of transmission pipe per year, and the replaced pipe is often in safe, operable condition.

GPA Midstream called for PHMSA to establish specific valve installation requirements for class-location-related pipeline replacements. They claimed that under PHMSA's interpretation of the current regulations at §§ 192.13(b) and 192.179, operators must comply with valve installation requirements for new pipelines if a segment is replaced in response to a class location change; but that this is contrary to the original intent of the regulations, imposes unreasonable compliance burdens, and discourages pipeline replacements.

INGAA et al. noted that, because the vast majority of class change pipe replacements are less than 2 miles in length, the proposed § 192.610 would require the installation of at least one manual valve for many pipe replacements where the class location changes from a Class 1 to a Class 3. INGAA et al. estimated that it costs $600,000 to $800,000 for an operator to install a new manual valve on an existing pipeline ranging from 24 to 36 inches in diameter, and therefore, the annual cost for installing manual valves under this proposed provision could exceed $100 million per year. Therefore, INGAA et al. suggested that, for class location change pipe replacements that involve less than 2 contiguous miles of pipe but more than 2,000 feet of pipe, PHMSA should provide operators the option to automate an existing upstream and downstream valve so that the distance between such automated valves would not exceed 20 miles, which is the current spacing requirements for valves on pipelines in Class 1 locations. INGAA et al. stated that this would be consistent with the approach that PHMSA has proposed for replacements greater than or equal to 2 contiguous miles in Class 1 and Class 2 locations that are also HCAs. They further stated that retaining the valve spacing requirements for Class 1 locations is appropriate for class location change pipe replacements that do not meet the 2-mile ''entirely replaced'' definition and will mitigate the need to install a new valve for most class location change pipe replacements.

Similarly, other industry commenters, including GPA Midstream and TC Energy Corporation, stated that PHMSA should exclude short pipe replacements from proposed § 192.610, noting that when an operator is removing a short section of pipe, there may not be an appropriate location in that short area to install a new valve, which can make complying with the valve spacing provisions impractical. Further, these commenters suggested that operators frequently replace short sections of existing pipe to repair potentially injurious conditions found to be affecting that pipe. They stated that many of these maintenance replacements are not ''pipe replacement projects,'' generally only affect small sections of the pipeline, and in some cases, must be conducted immediately to ensure public safety. They argue that operators must be reasonably able to repair such pipeline defects without installing additional valves, stating that requiring all pipe replacements, no matter how small, to comply with valve spacing requirements applicable to new pipe construction would increase cost and regulatory complexity and may reduce an operator's incentive or ability to complete voluntary assessments and remediation. As such, PHMSA was asked to exclude pipe replacements that were less than 2,000 feet from the RMV and alternative equivalent technology installation requirements.

AFPM stated that the requirement to update and install the required valves to match the class location requirements

within 24 months of the class location change may not be feasible in all circumstances due to factors outside the control of the operator, such as local permitting. AFPM also suggested that PHMSA should incorporate a process to account for such uncontrollable delays.

At the GPAC meeting on July 22, 2020, the GPAC unanimously recommended that PHMSA specify that the valve spacing in § 192.634 would, pursuant to § 192.610, be applicable to class location changes resulting in the replacement of an aggregate of 2 or more miles of pipe within any 5 contiguous miles, and consider implementing a timeframe of 24 months for compliance from the change in class location. Following discussion of the potential that high installation costs from application of valve spacing requirements to replacement of smaller pipeline segments may discourage pipeline replacement projects, the GPAC also unanimously recommended PHMSA exclude pipeline replacements less than 1,000 feet within 1 contiguous mile from the valve installation requirements. Finally, the Committee unanimously recommended (after discussion of the costs and practical difficulties associated with obtaining land rights necessary to install RMVs on pipelines on segments less than 2 miles in length) that, for pipeline replacements due to class location changes that are between 1,000 feet and 2 miles, PHMSA should allow operators to automate the existing valves with automatic or remote-control actuators and pressure sensors, with a maximum spacing of 20 miles, which they asserted would be consistent with the operational capability proposed in § 192.634.

3. PHMSA Response

PHMSA intended for the RMV and alternative equivalent technology requirements, including those for valve spacing proposed in § 192.634, to be applicable to class location changes for cases where the operator chose to replace pipe to meet the MAOP requirements of the new class location. The proposal was attempting to clarify that, in the event of pipe replacement due to a class location change, operators must install valves that comply with the existing valve spacing requirements at § 192.179(a) for the new class location.[44]

In addition to finalizing that proposal in this final rule for class location-based pipeline replacements of 2 or more miles within any 5 contiguous miles over a 24-month period, PHMSA is also allowing operators to comply with this section by installing or using existing RMVs when a class location changes (*i.e.,* from Class 1 to a Class 2 or a Class 2 to a Class 3) so that the distance between RMVs does not exceed 20 miles. This allowance considers several public comments in addition to a corresponding discussion and recommendation from the GPAC. INGAA et al. noted that the NPRM seemed to require the installation of manual valves on pipelines where the class location had changed. However, this was not PHMSA's intent. The automation of existing valves to protect a pipeline segment where the class location has changed is to provide a higher measure of public and environmental safety than the installation of additional manual valves, given that automated valves will be able to be closed more quickly than manual valves in the event of an emergency.

PHMSA acknowledges that there may be instances where the RMV and alternative equivalent technology installation requirements might not be appropriate for very short sections of pipe that are being replaced under § 192.610. As such, PHMSA is providing in this final rule an exception from the RMV and alternative equivalent technology installation requirements for short pipeline replacements that are less than 1,000 feet in length within 1 contiguous mile. For pipe replacements that occur when class locations change and that range from 1,000 feet to 2 miles in length, PHMSA believes that operators could automate existing valves with RCV or ASV technologies and corresponding pressure sensors that would be consistent with the operational requirements and valve spacing requirements of proposed § 192.634. As discussed in the paragraph above, PHMSA has modified this final rule accordingly.

I. Valve Maintenance

1. Summary of Proposal

In the NPRM, PHMSA proposed to revise §§ 192.745 and 195.420 to require operators perform inspections, maintenance, and drills on RMVs to ensure that they can be closed as soon as practicable but within 40 minutes of identifying a rupture. Among other requirements, PHMSA proposed operators perform point-to-point verification tests for RMVs that are ASVs or RCVs and perform initial validation drills and periodic confirmation drills for manual or locally operated valves an operator identified as RMVs. PHMSA also proposed that operators would be required to identify corrective actions and lessons learned from the validation and confirmation drills and share and implement those lessons learned throughout their pipeline systems. As proposed, operators would be required to repair or remediate inoperable valves within 6 months following a failed drill, with the operator designating a temporary alternate compliant valve within 7 days of a failed drill.

2. Comments Received

Some commenters, including INGAA et al., stated PHMSA should remove the proposed requirement for point-to-point testing because it is already required under the control room management requirements in §§ 192.631 and 195.446. This comment applied to the proposed regulations for both gas and hazardous liquid pipelines.

Operators requested that PHMSA clarify that annual drills are not required for every manual valve and that the drills for ''locally-actuated'' valves would exclude ASVs and RCVs. Further, commenters indicated that PHMSA should provide more specificity regarding the random drill selection process.

INGAA et al. commented that PHMSA should clarify that operators are not required to fully close manual or locally actuated valves during drills. TPA and AFPM expressed this same concern, with AFPM stating that such a requirement might cause significant disruptions when the applicable pipeline is the primary source of feedstock for a major manufacturing facility. INGAA et al. suggested PHMSA allow operators to perform tabletop drills to meet the drill response time requirement.

The Clean Air Council stated that the final rule should include provisions for pipeline operators to perform regular drills to ensure they can comply with the rupture response regulations, test the performance of their equipment, and ensure that pipeline personnel will be trained and skilled in responding to an emergency properly. They noted that while ASVs and RCVs will cut the response time down in a rupture event, having trained operating personnel is also important, stating that PHMSA should include provisions wherein a key responsible individual within the company is identified whose responsibility it is to train new personnel on the rupture response procedures within a certain period of new personnel being hired. They stated that PHMSA should require operators to report on how such training would be conducted and in what period the new individuals are trained, noting that this

[44] *In the Matter of Viking Gas Transmission,* Final Order, C.P.F. No. 32102 (May 1, 1998).

would create accountability for an otherwise unknown factor in pipeline management that would decrease the likelihood that operators may fail in carrying out rupture response procedures in a timely manner. They also noted that with adding in electrical connections and cellular communications with new valves, additional maintenance schedules and procedures will need to be developed for this added complexity. Similarly, the PST supported the proposed requirements for testing, maintenance, drills, and the incorporation of lessons learned into operator procedures.

INGAA et al. stated that PHMSA should reconsider the proposed maintenance requirements for when an RMV or alternative equivalent technology installed under the final rule is unable to achieve the proposed performance standard. Specifically, they suggested PHMSA should revise the NPRM by providing operators 12 months to repair, replace, or install new RMVs when an RMV or alternative equivalent technology is not operating correctly or otherwise cannot achieve the 40-minute response time requirements. This concern was echoed by other industry commenters, who suggested various compliance timeframes. INGAA et al. also stated that PHMSA should allow a notification process when it would not be practicable for an operator to repair or replace an RMV or alternative equivalent technology within 12 months.

GPA Midstream noted that operators should be required to make repairs or replacements as soon as practicable but no later than the time provided in their procedures for conducting operations, maintenance, and emergency activities. GPA Midstream also stated that a 7-day timeframe may not be sufficient to locate and designate an alternative valve to serve as a substitute for a damaged or otherwise inoperable RMV or alternative equivalent technology. They requested that PHMSA revise the provision to allow 14 days for designating an alternative compliant valve. This concern was echoed by individual operators, who suggested different compliance periods for implementing alternative valve measures.

Other commenters also noted that the proposed 6 months for implementing alternate shut-off valve measures is inadequate because it fails to account for right-of-way acquisition, the time needed to obtain necessary environmental clearance and permits, and extended lead times for the procurement of transmission valves. More specifically, TC Energy requested that PHMSA clarify what is meant by ''alternative compliant valve,'' noting that, because of the proposed 6-month compliance deadline for completing maintenance or replacing a RMV or alternative equivalent technology, it is apparent that ''compliant'' is not intended to refer to proximity or spacing or whether a designated ''alternative valve'' is automated or is manual. TC Energy suggested that PHMSA should direct operators to designate an alternative shut-off valve and document an interim response plan until the primary RMV or alternative equivalent technology is repaired or replaced.

API/AOPL and GPA Midstream also suggested that PHMSA should revise the maintenance procedures to allow operators to obtain an authorized alternative response time.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA delete the requirement for point-to-point testing because it duplicates requirements in the existing control room management regulations in both parts 192 and 195.

Regarding the drill requirements, the Committees unanimously recommended that PHMSA clarify that annual drills apply only to manually operated valves and involve the manual operation of a local actuator or by hand, and not to ASVs or RCVs. Further, the Committees unanimously recommended specifying that a 25 percent valve closure is sufficient to demonstrate the successful completion of the response time validation drill for manually operated valves.

The Committees also unanimously recommended PHMSA provide operators with a notification process to justify a need to extend the timeframes for repair and establishing alternate RMVs, if necessary. Further, the Committees unanimously recommended PHMSA consider adjusting the timeframe for repairs to 12 months but as soon as practicable, rather than the proposed 6 months. Certain members of the Committees representing the public (including Pipeline Safety Trust) expressed a preference to keep the timeframe for repairs at 6 months. However, other members of the Committees representing industry (including Enbridge, Williams, Consumers Energy, Marathon Pipeline, and PECO) noted that 12 months might be more appropriate given difficulties with supplier access to inventory and procurement issues. Additionally, the Committees unanimously recommended that PHMSA specify that alternative compliant valves identified through this process would not be required to comply with the valve spacing requirements for RMVs.

3. PHMSA Response

PHMSA acknowledges that the proposed point-to-point testing requirements were already a part of the control room management regulations at §§ 192.631 and 195.446. However, PHMSA believes restating the provision in the valve maintenance requirements will provide additional clarity and will improve compliance and enforceability. Therefore, PHMSA has chosen to retain the language in this final rule.

Regarding the proposed manual valve drill requirements, PHMSA intended the annual drills to apply to manually operated valves used as alternative equivalent technology only, and not ASVs or RCVs. PHMSA expects such a drill would include the manual operation of a local actuator or closing the valve via a hand-wheel. PHMSA confirms that annual drills are not required for every manual valve. Rather, an annual drill is required for one randomly selected manual valve in each of the operator's field work units. The way that an operator determines which manual valves would be randomly selected is at the discretion of the operator, but the selection method must be included in an operator's written procedures so it can be subject to inspection.

PHMSA has determined that full closure of valves is not necessary for the purposes of the valve maintenance requirements of this final rule. Accordingly, PHMSA has revised the provision to require, at a minimum, a 25 percent closure of the valve. PHMSA recognizes that overcoming inertia is likely to be the most difficult work in getting a valve to operate. Therefore, PHMSA has determined that a 25 percent or more closure is sufficient to demonstrate the valve's operability and functionality while allowing pipeline operators to maintain service without major interruptions.

Additionally, in this final rule, PHMSA is not allowing operators to perform tabletop drills to verify response times for manually operated valves. PHMSA believes that a tabletop drill would not be sufficient for ensuring that the valve is working, which is the intent of the provision. Operators need to ensure that manual valves being used as an alternative equivalent technology for the purposes of this rulemaking can be arrived at and physically operated so that they function as intended, achieving full closure within the maximum valve-closure time of this rulemaking. A paper exercise cannot effectively confirm real-

time travel time to a valve location or the time it will take operator personnel to close a particular valve manually, given conditions that could occur during a rupture.

Regarding the measures operators must take after a failed drill, PHMSA believes that a 7-day timeframe for identifying alternative shut-off measures and a 6-month timeframe for valve repair are appropriate. Because the purpose of an RMV or alternative equivalent technology is to mitigate the consequences of a rupture, should one occur, the longer a valve stays non-functional or the longer it takes an operator to identify alternative measures increases the potential rupture consequences to the area near the impacted pipeline segment. In light of the comments and Committee recommendations for extending the repair period to 12 months given the likely delays involved in scoping and executing required repairs, PHMSA understands that there operators may need repair timeframes longer those identified in the NPRM; PHMSA has, therefore, extended the repair period to 12 months. PHMSA has also provided an advance notification process in this final rule for operators to request (before the repair is undertaken) an extension of that 12-month repair period by demonstrating to PHMSA that repair according to the final rule's timeline will be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive costs, difficulty in securing required access rights and permits, long procurement lead times, and component/labor availability). However, PHMSA declines to offer a similar notification process in connection with identification of alternative shut-off measures following a failed drill, as prompt identification of those alternatives are essential for ensuring that the public and the environment are not unprotected from a rupture for extended periods of time.

PHMSA did not intend that any valves operators would identify as an alternative compliant RMV or equivalent technology based on a failed drill would need to comply with the valve spacing requirements of the rulemaking, and PHMSA is not requiring that in this final rule. PHMSA is requiring, however, that any alternative compliant RMV or equivalent technology would contain the entire shut-off segment and comply with the 30-minute valve closure standard of this rulemaking.

Some commenters requested PHMSA enhance the proposed maintenance and drill requirements to cover valve-related specialized equipment and periodic personnel training and management programs. PHMSA notes that these requirements are already included in the Federal Pipeline Safety Regulations, including under the operator qualification and control room management regulations.

J. Failure Investigations

1. Summary of Proposal

In the NPRM, PHMSA proposed to revise the regulations applicable to gas and hazardous liquid pipelines to define the elements that an operator must incorporate when conducting analyses of incidents and other releases and failures involving the activation of RMVs and alternative equivalent technologies, namely ruptures.

The proposed revisions would require the operator to identify potential P&M measures that could be taken to reduce or limit the release volume and damage from similar events in the future. The post-incident or -failure review would address factors associated with this rulemaking, including but not limited to detection and mitigation actions, response time, valve location, valve actuation, and SCADA system performance. Upon completing the post-incident or -failure analysis, the operator would be required to develop and implement the lessons learned throughout its suite of procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

2. Comments Received

INGAA et al. stated that PHMSA should remove the references to ''failures'' in § 192.617, as ''failure'' is not defined in parts 191 or 192, and it is unclear if the section accounts for abnormal operations that do not result in a rupture. Similar comments were made by representatives of hazardous liquid pipeline operators, requesting that ''failure'' be changed to ''accident'' to be more consistent with the part 195 regulations.

INGAA et al. added that the prescriptive post-incident requirements proposed in § 192.617 are fit-for-purpose following a rupture but are unnecessary and overly burdensome following an abnormal operation. Other commenters from industry noted that the investigation requirements seemed to be duplicative of existing accident and incident reporting requirements and suggested that PHMSA remove the proposed investigation requirements from the final rule.

GPA Midstream stated that the proposal for operators to prepare and follow procedures for conducting failure and incident investigations should be stated in a new, separate paragraph, and the proposed requirement to incorporate any lessons learned into appropriate part 192 procedures can be consolidated in another paragraph. They further stated that PHMSA could eliminate the other additional language proposed in the section (including sending the failed pipe, component, or equipment to a laboratory for testing), because it is unnecessary. Similarly, Magellan Midstream Partners, L.P., as well as other industry commenters, suggested that PHMSA should remove the proposed requirements for failure analysis because it is not appropriate or effective for an operator to send all failed pipe, components, or equipment for laboratory testing and examination. Further, several of these industry commenters requested PHMSA specify that the implementation of any lessons learned and any additional P&M measures following an incident would be required only if they are reasonable and practicable.

INGAA et al. and GPA Midstream stated that the proposed documentation and recordkeeping requirements for failure investigations are unnecessary, with INGAA et al. stating that the requirements appear to be duplicative of requirements currently under PHMSA's incident reporting requirements. GPA Midstream stated that, to avoid imposing undue burdens on pipeline operators, the senior executive review and lifetime recordkeeping requirements PHMSA proposed should only apply to the final analysis prepared at the conclusion of the investigation rather than preliminary analyses. GPA Midstream and API/AOPL commented that such a requirement would create an additional recordkeeping burden without improving safety, with API requesting PHMSA delete the proposed requirement. AFPM provided similar comments.

The PST stated that PHMSA should amend § 192.617(c) to require that the results of an operator's post-incident review be incorporated into operators' procedures, not just read and kept, as it appears to be proposed. INGAA et al. stated that they support the incorporation of post-incident lessons learned as an important aspect of pipeline safety management systems. However, INGAA et al. added there may be some circumstances where an incident investigation would not yield a change to procedures, for example, some third-party damage incidents, and PHMSA should require operators to

incorporate lessons learned and P&M measures only if appropriate and practicable following an incident investigation. TPA generally echoed these remarks.

Further, INGAA et al. stated that they support distribution operators incorporating post-incident lessons learned into their procedures even though the rule stated it only applies to gas transmission and hazardous liquid pipelines, but they recommended PHMSA clarify that the requirements in § 192.617(c) only apply to transmission lines, since the broad definition of ''rupture'' in § 192.3 could lead to § 192.617(c) being interpreted to apply to both gas distribution and gas transmission pipeline incidents.

PST stated that, although the NPRM proposes operators incorporate post-incident lessons into their procedures, the paragraph relating to rupture and valve shut-off incident reviews does not include that same requirement. They added that the section should be amended to include a requirement that the results of the post-incident reviews be incorporated into operator's procedures, not just read and kept.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA clarify that the implementation of lessons learned and additional P&M measures after incidents are required only where they are found to be reasonable and practicable. Additionally, the GPAC unanimously recommended that PHMSA specify that general failure investigations under these sections would apply to gas distribution pipelines; however, failure investigations specific to RMVs would not apply to gas distribution pipelines.

3. PHMSA Response

PHMSA acknowledges the comments stating that it should clarify the terminology of its proposed regulatory amendments by using defined terms, such as removing the use of the term ''failure'' in favor of ''incident'' or ''accident.'' However, PHMSA notes that existing regulations at § 192.617 address the investigation of failures on gas lines, which is broader than reportable incidents. Similarly, the term ''failure'' is used throughout parts 192 and 195 of the Federal Pipeline Safety Regulations. Therefore, PHMSA has made no changes in this final rule to the phrasing as it was originally proposed in the NPRM, since the term ''failure'' is currently used throughout its regulations.

Other commenters suggested that the failure investigation requirements would duplicate existing incident/accident reporting requirements. PHMSA does not consider the failure investigation requirements that were proposed and the existing incident/accident reporting requirements to be duplicative, as the proposed failure investigation requirements were intended to build on existing failure/accident investigation requirements for gas and hazardous liquid pipelines, and provide more thorough technical evaluation of valve functionality and performance during the mitigation of an incident or accident. PHMSA intended for operators to investigate ''failures,'' as that term is used throughout parts 192 and 195 of its regulations, and as it is defined in ASME B31.8S and ASME B31.4. PHMSA has, however, revised the regulatory text in in this final rule to better convey that intent.

Similarly, some industry commenters, including Magellan, opposed certain requirements in this section, especially with respect to operators sending failed pipe, components, or equipment for laboratory testing and examination. With respect to gas pipelines in particular, PHMSA provides in this final rule additional specificity to the existing regulation at § 192.617, which states that ''each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate [. . .].'' The underlying requirement remained unchanged, and PHMSA has finalized the clarifying changes proposed in the NPRM in a way that will improve the ability to identify and respond to safety issues that could be revealed in such testing and examinations. PHMSA believes that regulatory language in this final rule providing for parallel obligations for hazardous liquid pipelines are similarly essential to its continuing regulatory oversight of the safety of those pipelines.

As for the scope of the proposed failure investigation requirements for gas pipelines, because PHMSA included the amendments in the existing regulations at § 192.617(a) and (b), PHMSA intended those proposed requirements to apply to distribution pipelines, which were already subject to the existing requirements of that section. Because proposed paragraphs (c) and (d) of that section addressed failure investigations specific to the closure of RMVs or alternative equivalent technologies, however, and RMVs or alternative equivalent technologies were and are not required for gas distribution systems in this rulemaking, operators of gas distribution pipelines are not required to comply with those paragraphs as a result of this rule.

INGAA et al. requested PHMSA clarify that the implementation of any post-incident lessons-learned and any additional P&M measures be required only where they are reasonable and practical. PHMSA would not expect operators to implement P&M measures that were clearly unreasonable or impractical. Regarding those measures, PHMSA did not intend to cause any confusion with similar IM requirements by referencing a term that is primarily used in the IM regulations. Subsequently, in this final rule, PHMSA has changed this phrase from ''P&M measures'' to a more general phrase of ''operations and maintenance'' measures to avoid confusion with separate IM-related requirements.

Several comments were submitted regarding senior executive involvement for the certification of failure investigations. PHMSA believes that senior executive certification is essential to ensuring a failure investigation's quality and highlighting the importance of the investigation results and their implementation into operations.

K. 9–1–1 Notification Requirements

1. Summary of Proposal

In the NPRM, PHMSA proposed requirements related to operators responding to pipeline ''emergencies'' that built on existing regulations at §§ 192.615 and 195.402. Specifically, PHMSA proposed to require that an operator's emergency procedures provide for rupture mitigation in response to a rupture event, and that operators contact and maintain liaison with the appropriate public safety answering point (9–1–1 emergency call center) in the event an operator's pipeline ruptures.

2. Comments Received

NAPSR stated that the term ''emergency'' is not defined within part 192, noting that, without a definition for ''emergency,'' operators may make unnecessary notifications to the appropriate fire, police, and public officials, and force responses to minor events instead of real emergencies. NAPSR suggested that if PHMSA is changing this specifically to address ruptures on gas transmission lines, then it may be appropriate for PHMSA to reference ''rupture'' in the final rule language instead of ''emergency.''

TPA stated that the 10-minute requirement for contacting first responders is duplicative and unnecessary, as existing emergency procedures and damage prevention

procedures already contain requirements for the timely contact of emergency responders and calls to 9–1–1 numbers. They recommended that PHMSA remove this requirement from the rule. A member of the public agreed that the time to declare a rupture following the first sign of a problem should be no more than 10 minutes, and that emergency services must be notified right away.

The NTSB stated that the proposed changes to the emergency planning regulations do not require immediate and direct notification to local jurisdictions of possible ruptures as recommended by Safety Recommendation P–11–9. They stated that the NPRM's clarifications for when notification is required could unnecessarily delay operators notifying local authorities and possibly exclude some ruptures from the notification requirement, such as distribution systems or portions of transmission systems that do not contain RMVs.

AFPM stated that the language in the proposed sections is unnecessarily prescriptive and the language should be simplified, as the position title or function of the operator personnel that is responsible for contacting the appropriate public safety answering point is immaterial.

AFPM stated that the use of ''may'' in the proposed revision to require notification of ''each government organization that may respond to a pipeline emergency'' vastly expands the universe of events for which operators would have to provide notice and is an unrealistic request. AFPM stated that the operator may not reasonably be able to identify all the possible jurisdictions or agencies that may need to be called upon. As such, AFPM recommended PHMSA allow an operator to identify and coordinate with the agency identified by local or State law as the lead agency in a pipeline emergency, or allow communication with a regional coordinating agency (*e.g.,* Office of Emergency Management) to meet this requirement.

AFPM stated that they support PHMSA's intent to require operators to establish and maintain adequate means of communication with the appropriate public safety officials, as previously established relationships between operators and safety officials could help mitigate the consequences of an incident.

AFPM stated that they believe the use of ''and other public officials'' in the proposed requirements is too vague and potentially expansive. AFPM and INGAA et al. recommended that PHMSA should explicitly note with whom operators should liaise, such as county emergency managers, local emergency planning committees, or 9–1–1 agencies, and limit the requirement to those emergency response agencies with primary jurisdiction for response to a pipeline incident. INGAA et al. stated that this approach would be consistent with the Pipeline Emergency Responder Initiatives that have been developed in several States with the support of PHMSA.

AFPM added that ''notifying the appropriate public safety answering point (9–1–1 emergency call center), as well as fire, police, and other public officials'' is redundant and possibly confusing in jurisdictions where the 9–1–1 center is designated as the single point of emergency services contact. AFPM recommended PHMSA allow 9–1–1 to be the single point of contact for all jurisdictions for which the 9–1–1 center serves as such.

At the Committee meetings on July 22 and 23, 2020, the Committees unanimously recommended that PHMSA state that communication with 9–1–1 applies to all ruptures without exception. For operators of pipelines not located within 9–1–1 service areas or that otherwise have no public safety answering points, the Committees unanimously recommended PHMSA promulgate similar requirements. Further, the Committees unanimously recommended that PHMSA allow operators to establish liaison with the appropriate local emergency response coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity, as was proposed in the NPRM.

The Committees also unanimously recommended that PHMSA limit certain sections of the regulations to emergency preparedness activities and other sections to emergency response activities, rather than combining the two as PHMSA did in the NPRM.

3. PHMSA Response

The NTSB and the PST were concerned that the NPRM, as proposed, could exclude certain ruptures from the notification requirements of this section. PHMSA did not intend to include any exceptions from the 9–1–1 notification requirements of this rulemaking, including for those pipelines where RMV or alternative equivalent technology closure is not required, and does not believe the NPRM was worded as such. Further, PHMSA has modified the language in the NPRM regarding when the 9–1–1 notification obligation has been triggered to reflect the substitution in this final rule of the term ''notification of potential rupture'' for the NPRM's definition of ''rupture''; PHMSA expects this substitution will reduce the time before response and mitigation actions are taken. Ultimately, the requirement in this final rule for 9–1–1 notification applies to all notifications of potential ruptures on all gas and hazardous liquid pipeline systems governed by the emergency planning and procedure requirements at §§ 192.615 and 195.402, respectively.

Industry commenters requested that PHMSA include in the final rule 9–1–1 communication provisions for pipelines that are not located in areas served by 9–1–1 call centers or that have no public safety answering points. The emergency notification requirements in this final rule require operators to establish adequate means of communication with fire, police, and other public officials as needed, regardless of whether they are affiliated with public safety answering points. Operators must determine the jurisdictional areas, responsibilities, resources, and emergency contact numbers for those government organizations that may respond to pipeline emergencies involving their pipeline facilities.

To the points commenters made on liaising with the appropriate local emergency coordinating entities and allowing coordination with a lead agency if recognized by State and local law, PHMSA will note that it did not propose to amend the long-standing requirements about coordinating with local officials, including fire and police officials. The NPRM intended to add the explicit requirement, when applicable, for operators to call 9–1–1 after the notification of a potential rupture. Per this final rule, to meet these requirements of this section, operators may liaise with the appropriate emergency response coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. PHMSA believes that the requirement to liaise with appropriate emergency response coordinating agencies responds to the Committee recommendation for including provisions for operators of pipeline segments outside of 9–1–1 or public safety access point service areas.

L. Other

1. Summary of Proposal

In the NPRM, PHMSA proposed to revise §§ 192.935 and 195.452 to clarify the requirements for conducting ASV

and RCV evaluations for HCAs, particularly when RCVs and ASVs are installed as P&M measures associated with improved response times for pipeline ruptures. The proposed amendments would have required that operators be able to evaluate and demonstrate that they could identify a rupture within 10 minutes in accordance with the proposed rupture identification regulations, meet the proposed RMV or alternative equivalent technology closure standard of 40 minutes, and demonstrate compliance with the proposed valve maintenance requirements.

2. Comments Received

Regarding the installation of RMV technology in HCAs under § 192.935, INGAA et al. recommended that PHMSA clarify the decisions operators would be required to make, stating PHMSA proposed in the NPRM that these decisions should consider the swiftness of rupture detection capabilities, not leak detection capabilities. INGAA et al. and other industry commenters also recommended that PHMSA remove the proposed requirements in § 192.935(c) because they appear to be duplicative with the proposed requirements for RMV installation under § 192.634. Similarly, Northern Natural Gas Company recommended that PHMSA remove the proposed requirements at § 192.935 because they are already partially addressed by the investigation of failures and incidents at § 192.617.

The PST supported PHMSA's proposed addition of performance measures for the installation of EFRDs and their use as RMVs under § 195.452. API/AOPL and GPA Midstream suggested that PHMSA should restate that EFRDs installed under the IM regulations must meet the applicable requirements in part 195 for RMVs, as this would simplify the regulatory language.

Northern Natural Gas Company noted that the use of automatic valves may create cybersecurity vulnerabilities. A private citizen echoed this sentiment, stating that PHMSA needs to address cybersecurity issues related to sensors and control systems associated with RMVs, as such issues could reduce the effectiveness of those valves. However, the private citizen noted that Congress has not provided PHMSA, or the U.S. DOT in general, with specific authority to regulate the cybersecurity of pipeline infrastructure. That private citizen suggested that these technologies should be protected from cyber-threats, and the failure of cybersecurity protections should trigger the same reporting requirements that accompany the failure of physical controls.

The Clean Air Council suggested that PHMSA adjust the definition of HCAs to be broader than areas with higher population density, stating they believe that the environmental and historical value of certain locations should be included in an evaluation whether a location is an HCA.

3. PHMSA Response

PHMSA was attempting to update the existing requirements for ASV and RCV analysis in HCAs with the terminology and specific requirements related to RMVs and alternative equivalent technology that were proposed in the NPRM. PHMSA was proposing no new requirements other than that, if operators performed a risk analysis indicating that an ASV or an RCV would provide protection to an HCA or a could-affect HCA pipeline segment, those valves that the operators installed would essentially be RMVs and would need to comply with the 10-minute rupture identification standard, the valve closure time, and the associated maintenance requirements. PHMSA believes that the wording of the section and duplication of those requirements, rather than cross-references, may have confused readers. As such, in this final rule, PHMSA has retained those same requirements while simplifying the language to state that an RMV installed in accordance with §§ 192.935 and 195.452 must comply with all of the other RMV requirements in the respective parts of the regulations.[45]

Regarding cybersecurity issues, PHMSA notes that the recent cyberattack on the Colonial Pipeline underscores the urgency of public-private collaboration to address international cybersecurity threats. PHMSA is working with a coalition of its Federal partners, including the Transportation Security Administration (TSA), to ensure that pertinent regulatory regimes adequately address cybersecurity risks on pipeline infrastructure. PHMSA notes that the TSA recently issued security directives that will enable the Department of Homeland Security (DHS) to better identify, protect against, and respond to threats to critical operators in the pipeline sector. The TSA's initial directive requires critical pipeline owners and operators to report confirmed and potential cybersecurity incidents to the DHS Cybersecurity and Infrastructure Security Agency (CISA) and to designate a Cybersecurity Coordinator, to be available 24 hours a day, 7 days a week. It also requires critical pipeline owners and operators to review their current practices as well as to identify any gaps and related remediation measures to address cyber-related risks and report the results to TSA and CISA within 30 days.[46] A second Security Directive requires owners and operators of TSA-designated critical pipelines to implement specific mitigation measures to protect against ransomware attacks and other known threats to information technology and operational technology systems, develop and implement a cybersecurity contingency and recovery plan, and conduct a cybersecurity architecture design review.

Changing the HCA definition is outside the scope of the rulemaking and would require substantial technical analysis. However, in response to congressional mandates in the ''Protecting Our Infrastructure of Pipelines and Enhancing Safety Act of 2016'' (Pub. L. 114–183) and the 2020 PIPES Act, PHMSA has promulgated an Interim Final Rule (under RIN 2137–AF31) titled ''Pipeline Safety: Coastal Ecological Unusually Sensitive Areas,'' to amend the definition of an ''unusually sensitive area'' in part 195 for hazardous liquid pipelines to include the Great Lakes, coastal beaches, and certain coastal waters explicitly as ecological resources for the purposes of determining whether a pipeline is in, or could affect, an HCA.[47] Further, section 119 of the 2020 PIPES Act requires PHMSA to contract with the National Academy of Sciences (NAS) for development of a study evaluating potential regulatory amendments that would build on this final rule by requiring installation of RMVs on existing natural gas pipelines in HCAs, hazardous liquid pipelines in unusually sensitive areas, and hazardous liquid pipelines in commercially navigable waterways. The NAS committee has been formed and that committee is in the process of planning its activities.[48]

[45] *See* §§ 192.3, 192.9, 192.18, 192.179, 192.610, 192.615, 192.617, 192.634, 192.636, 192.745, and 192.935, as appropriate, for gas transmission and gathering pipelines, and §§ 195.2, 195.11, 195.18, 195.258, 195.260, 195.402, 195.418, 195.419, 195.420, and 195.452, as appropriate, for hazardous liquid pipelines.

[46] *https://www.dhs.gov/news/2021/05/27/dhs-announces-new-cybersecurity-requirements-critical-pipeline-owners-and-operators.*

[47] 86 FR 73173 (Dec. 27, 2021).

[48] NAS, ''Criteria for Installing Automatic and Remote-Controlled Shutoff Valves on Existing Gas and Hazardous Liquid Transmission Pipelines'' (last visited Nov. 23, 2021).

IV. Section-by-Section Analysis of Changes to 49 CFR Part 192 for Gas Pipelines

§ 192.3 Definitions

Section 192.3 provides definitions for various terms used throughout part 192. Most of the requirements of this final rule would be triggered by an operator identifying a rupture following the notification of a potential rupture. Therefore, PHMSA is amending § 192.3 to define the ''notification of potential rupture'' in terms of notification of, or observation by, an operator of indicia specified in § 192.635 of an unintentional or uncontrolled release of a large volume of gas from a pipeline.

Once an operator is notified of a potential rupture, they must identify a rupture, if one exists. Therefore, PHMSA has established a concept of ''rupture identification'' to mean the point when a pipeline operator has sufficient information reasonably to determine that a rupture occurred. PHMSA believes this would occur following a ''notification of potential rupture,'' as that term has been defined in this rulemaking, given that the operator would have been notified or would have had notice of some indicia of a potential rupture per § 192.635. The final rule at § 192.615 requires that operators must document, in their operations manual or written procedures, their method for rupture identification. An operator, after identifying a rupture, would be required to close the RMVs or alternative equivalent technologies necessary to isolate the ruptured pipeline segment.

As a part of this rulemaking, operators are required to install RMVs or alternative equivalent technology on certain pipeline segments, including those that are ''entirely replaced onshore pipeline segments.'' RMVs are defined in this rulemaking to mean ASVs or RCVs that a pipeline operator uses to minimize the volume of gas released from the pipeline and to minimize the consequences of a rupture. PHMSA has defined entirely replaced onshore transmission pipeline segments to mean those pipeline replacement projects where 2 or more miles of pipeline have been replaced within any length of 5 contiguous miles of pipeline during any 24-month period.

§ 192.9 What requirements apply to gathering lines?

In this final rule, PHMSA has clarified that the RMV and alternative equivalent technology requirements being promulgated apply to Type A gas gathering pipelines (not Types B or C gathering lines), as these pipelines typically have risk profiles similar to transmission pipelines.

§ 192.18 How To Notify PHMSA

In this final rule, operators can notify PHMSA in advance of their intent to use a technology, method, or compliance timeline that differs from that listed in the regulations, when the option for notification is specifically provided. PHMSA retains discretion under § 192.18 to reject, as appropriate, such requests. Accordingly, PHMSA has revised this section to provide for a consistent notification procedure across part 192 whenever an operator is required to notify PHMSA as a part of a requirement.

§ 192.179 Transmission Line Valves

In this final rule, PHMSA is requiring the installation of RMVs or alternative equivalent technologies on certain gas pipelines. This section specifies that operators must install RMVs, or alternative equivalent technologies, on onshore gas pipeline segments with diameters greater than or equal to 6 inches that are newly constructed, or meet the definition of entirely replaced onshore transmission pipeline segments, after April 10, 2023. RMVs and alternative equivalent technologies installed in accordance with this section must meet the existing valve spacing requirements of this section, and all RMVs and alternative equivalent technologies installed in accordance with this section must meet the operational requirements outlined in § 192.636.

These installation requirements do not apply to those pipeline segments that are in Class 1 or Class 2 locations and that have a PIR of less than or equal to 150 feet. Further, the installation requirements for entirely replaced onshore pipeline segments only apply to those pipeline replacement projects that involve the addition, replacement, or removal of a valve.

If an operator seeks to install alternative equivalent technology pursuant to this section, the operator must, in advance of such installation, submit a notification making such a request to PHMSA in accordance with § 192.18. The operator must include in that notification a site-specific technical and safety evaluation demonstrating that technology provides an equivalent level of safety to an RMV by reference to factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures; technology design and operational characteristics such as operation times (closure times for manual valves); service reliability and life; accessibility to operator personnel; nearby population density; and potential consequences to the environment and the public.

If an operator requests use of manual valves as an alternative equivalent technology, the notification submitted to PHMSA must also demonstrate the site-specific economic, technical, or operational infeasibility of installing an RMV (*e.g.,* by reference to factors such as access to communications and power; terrain; prohibitive cost; labor and component availability; ability to secure required land access rights and permits; and accessibility to operator personnel for installation and maintenance).

An operator may also submit for PHMSA review, in accordance with the notification procedures in § 192.18, a project-specific request for extension of the compliance deadline in this section. That notification must demonstrate installation of an RMV or alternative equivalent technology in connection with near-term construction and replacement projects would be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive economic costs, difficulty in securing access rights, component/labor availability and procurement lead times, or permitting requirements).

An operator that replaces pipeline segments is not required to meet the valve spacing requirements of this section if the distance between each point on the pipeline and the nearest valve does not exceed 4 miles in Class 4 locations, 7½ miles in Class 3 locations, and 10 miles in all other locations.

§ 192.610 Change in Class Location: Change in Valve Spacing

This section specifies RMV and alternative equivalent technology requirements when a class location changes. In cases where pipeline segments are entirely replaced, as that term is defined in § 192.3, to meet the maximum allowable operating pressure in accordance with requirements for class location changes under §§ 192.611, 192.619(a), and 192.620, then an operator must install valves, including RMVs or alternative equivalent technology, as necessary to comply with this part. An operator must install such valves within 24 months of the class location change.

If an operator replaces less than 2 miles of pipe in a length of 5 contiguous miles of pipe during a 24-month period to comply with the maximum allowable operating pressure requirements after a class location changes, the operator must either: (1) Comply with the valve

spacing requirements at § 192.179(a), or (2) install or use RMVs or alternative equivalent technology so that the entirety of the replaced pipeline segment is between 2 RMVs or alternative equivalent technology and so that the distance between those valves does not exceed 20 miles. Operators are not required to comply with this section if they replace less than 1,000 feet of pipe within any single contiguous mile within any 24-month period to comply with a class location change.

§ 192.615 Emergency Plans

In this final rule, PHMSA revised paragraphs (a)(2), (a)(6), (a)(8), (a)(11), and (a)(12) and the introductory text of (c) in § 192.615 to require that emergency procedures provide for rupture mitigation in response to a rupture event. PHMSA is also requiring that operators maintain liaison with and contact the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), if such a service is available, in the event of pipeline emergencies. In lieu of communicating with individual fire, police, or other public entities, operators may instead establish liaison with appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, as appropriate.

PHMSA is requiring, through this final rule, that operators learn the responsibilities, resources, jurisdictional areas, and emergency contact telephone numbers for each Federal, State, and local government organization that may respond to a pipeline emergency involving their pipeline facilities, and inform such officials of the operator's ability to respond to and communicate during pipeline emergencies. PHMSA has not changed the existing requirements for operators to maintain liaison with fire, police, and other public officials, as appropriate.

In conjunction with the definition of the ''notification of potential rupture,'' PHMSA has in this final rule codified at § 192.615(a)(12) language within the NPRM expressing its expectation that operators will, upon notification of a potential rupture, identify whether there is indeed a rupture by reference to their written procedures. At a minimum, the procedures must specify the sources of information, operational factors, and other criteria that the operator will use to evaluate a notification of a potential rupture as an actual rupture. Those written procedures should also incorporate procedures for waiver of any requirements for specific pipeline personnel to conduct on-scene investigation of a potential rupture if an operator receives one or more of the following: Multiple or recurring instrument indications (pressure readings, alarms, etc.) of potential ruptures; pressure drops significantly in excess of the minimum thresholds in § 192.635(a)(1); or reports of rupture indicia from on-scene, credible sources (*e.g.,* on or off-duty pipeline operator personnel, sheriff or police officers, fire department personnel, or other emergency response personnel).

§ 192.617 Investigation of Failures and Incidents

In this final rule, PHMSA has revised § 192.617 to define the elements that an operator must incorporate when conducting a post-event analysis of ruptures and other failure events involving the activation of RMVs or alternative equivalent technology.

The revision requires the operator to identify potential preventive and mitigative measures that could be taken to reduce or limit the release volume and damage from similar events in the future. The post-incident or -failure review would include, but not be limited to, detection and mitigation actions, response time, valve location, valve actuation, and SCADA system performance. Upon completing the post-event analysis, the operator must develop and implement the lessons learned throughout its suite of procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. In accordance with this section, an operator must also complete a summary of the post-incident or -failure review within 90 days of the incident. The operator must conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-incident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the operator's appropriate senior executive officer. Further, an operator must keep the final post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned for the useful life of the pipeline. The requirements to produce a summary report are not applicable to gas distribution and Types B and C gathering pipelines.

PHMSA has also modified the existing failure and incident investigation requirements at § 192.617 to require operators subject to that provision to incorporate lessons learned from those investigations into their written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. PHMSA has otherwise not made changes to the existing requirements in this section for operators of gas pipelines to establish procedures for analyzing incidents and failures.

§ 192.634 Transmission Lines: Onshore Valve Shut-Off for Rupture Mitigation

This section requires operators to install and use RMVs or alternative equivalent technology on newly constructed and entirely replaced onshore gas pipeline segments with diameters of 6 inches or greater. Such valves would be required to be operational within 14 days following placing the pipeline segment into service unless the operator has submitted for PHMSA review, in accordance with § 192.18, a notification that operation of the RMV or alternative equivalent technology within that 14-day timeframe is not economically, technically, or operationally feasible. An operator may also submit for PHMSA review, in accordance with the notification procedures in § 192.18, a request for extension of the valve installation compliance deadline requirements of § 192.179 and this section demonstrating that installation of an RMV or alternative equivalent technology in connection with particular near-term construction and replacement projects would be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive costs, difficulty in securing required access rights and permits, and component/labor availability).

For the purposes of the RMV and alternative equivalent technology installation requirements, PHMSA created a definition for a ''shut-off segment,'' which is a pipeline segment that is entirely located between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for commodity receipts or deliveries connects to the shut-off segment between the upstream-most and downstream-most RMVs or alternative equivalent technologies, the shut-off segment also extends to valves on those crossover connections or laterals used for receipt or delivery so that, when all valves are closed, there is no flow path for commodity to be transported from outside the shut-off segment to the rupture site. Laterals that

connect to shut-off segments and that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies installed at locations other than mainline receipt or delivery points. A shut-off segment can include multiple HCAs, and operators are not required to select the closest valve to the shut-off segment as an RMV or alternative equivalent as long as the proper valve spacing is maintained.

The requirements of this section apply to all applicable pipe replacement projects, even those that do not otherwise directly involve the addition or replacement of a valve. Consistent with the requirements for RMV and alternative equivalent technology installation, this section does not apply to pipe segments in Class 1 or Class 2 locations that have a PIR less than or equal to 150 feet.

This section also establishes valve spacing for RMVs and alternative equivalent technologies installed in accordance with this section, where the distance between such RMVs and alternative equivalent technologies must not exceed 8 miles in Class 4 locations, 15 miles in Class 3 locations, and 20 miles in all other locations.

Operators using a manual valve as an alternative equivalent technology in lieu of an RMV for the purposes of this section must appropriately locate personnel to ensure valve shut-off in accordance with this section and the RMV performance requirements in § 192.636.

§ 192.635 Notification of Potential Rupture

In this section, PHMSA provides the criteria for a ''notification of potential rupture,'' as that term is defined in § 192.3.

§ 192.636 Transmission Lines: Valve Capabilities

In this section, PHMSA establishes the operational requirements for RMVs and alternative equivalent technologies. Following the ''notification of potential rupture,'' an operator must, after identifying a rupture, close such valves as soon as practicable, but no later than within 30 minutes (measured from rupture identification). Operators may request to plan to leave RMVs or alternative equivalent technologies open for longer than 30 minutes following rupture identification if the operator previously has coordinated the plan with appropriate local emergency responders, notified PHMSA, and adequately demonstrated to PHMSA that closing such valves or technologies would be detrimental to public safety.

RMVs and alternative equivalent technologies must be capable of being monitored or controlled by remote or on-site personnel, operated during all operating conditions, and monitored for valve status. Operators using ASVs as RMVs do not need to monitor those valves remotely if the operator has the capability to monitor pressures or gas flow rate on the pipeline in order to identify and locate a rupture pursuant to the requirements of this rulemaking.

Operators of pipelines in Class 1, non-HCAs may request, within their notification under § 192.18 seeking PHMSA review for installation of manual valves as alternative equivalent technologies as contemplated by this final rule, an exemption from the valve operation requirements of § 192.636(b). Operators seeking such an exemption must provide for PHMSA review within that notification the closing times for those manual valves.

§ 192.745 Valve Maintenance: Transmission Lines

In this final rule, PHMSA is revising § 192.745 by adding paragraphs (c), (d), and (e) to incorporate the maintenance, inspection, and operator drills required to ensure operators can close an RMV or alternative equivalent technology as soon as practicable, but no more than 30 minutes, after identification of a rupture. PHMSA is finalizing initial validation drill requirements and requirements for periodic validation tests for any manually or locally operated valve installed as an alternative equivalent technology in lieu of an RMV. Operators are not required to close the valves fully during such drills; a closure of 25 percent, at a minimum, is sufficient to be compliant, unless the operator has information that requires additional closure requirements for the valve to be compliant with the requirement. If the 30-minute-maximum closure time cannot be achieved during the drill, the operator must revise their response efforts and repair any valves to achieve compliance as soon as practicable but no later than 12 months after the drill. Operators may request, pursuant to the notification procedure at § 192.18, an extension of the 12-month repair timeline if such repair within 12 months would be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive costs, difficulty in securing required access rights and permits, long procurement lead times, and component/labor availability). Alternative valve shut-off measures must be in place within 7 days of a failed drill. In accordance with § 192.631(c) and (e), operators must also conduct a point-to-point verification between SCADA displays, sensors, communications equipment, and any RCVs installed in accordance with §§ 192.179 or 192.634.

Per this final rule, each operator is required to identify corrective actions and lessons learned resulting from the validation and confirmation drills and share and implement them across its entire network of pipeline systems.

§ 192.935 What additional preventive and mitigative measure must an operator take?

In this final rule, PHMSA is revising § 192.935(c) to clarify the requirements for conducting RMV evaluations for HCAs, particularly when an operator installs such valves as preventive and mitigative measures to improve response times for pipeline ruptures and mitigate the consequences of a rupture. RMVs installed in accordance with this section must meet all other RMV requirements in part 192.

PHMSA is also requiring that risk analyses and assessments conducted under this section be reviewed by the operator and certified by a senior executive of the company. Review and certification must occur at least once per calendar year, with the period between reviews not to exceed a period of 15 months, and must also occur within 3 months of an incident or a safety-related condition. Such analyses and assessments must consider new or existing operational and integrity matters that could affect rupture-mitigation processes and procedures.

V. Section-by-Section Analysis for Changes to 49 CFR Part 195 for Hazardous Liquid Pipelines

§ 195.2 Definitions

Section 195.2 provides definitions for various terms used throughout part 195. Most of the requirements of this final rule would be triggered by an operator identifying a rupture following the notification of a potential rupture. Therefore, PHMSA is amending § 195.2 to define the ''notification of potential rupture'' in terms of notification of, or observation by, an operator of indicia specified in § 195.417.

Once an operator is notified of a potential rupture, they must identify the rupture, if one exists. Therefore, PHMSA has established a concept of ''rupture identification'' to mean the point when a pipeline operator has sufficient information reasonably to determine that a rupture occurred. The final rule at § 195.402 requires that operators must document, in their operations manual, their method for rupture identification. An operator, after

identifying a rupture, would be required to close the RMVs or alternative equivalent technologies necessary to isolate the ruptured pipeline segment.

As a part of this rulemaking, operators are required to install RMVs or alternative equivalent technologies on certain pipeline segments, including those that are ''entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments.'' RMVs are defined in this rulemaking to mean ASVs or RCVs that a pipeline operator uses to minimize the volume of hazardous liquid or carbon dioxide released from the pipeline and to minimize the consequences of a rupture. PHMSA has defined entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments to mean those pipeline replacement projects where 2 or more miles of pipeline have been replaced within any length of 5 contiguous miles of pipeline during any 24-month period.

§ 195.11 What is a regulated rural gathering line and what requirements apply?

Section 195.11 contains the requirements for regulated rural gathering pipelines carrying hazardous liquid or carbon dioxide. In this final rule, PHMSA is specifying that the only regulated rural gathering pipelines that are required to install RMVs or alternative equivalent technologies are those pipelines subject to § 195.260(e), which requires the installation of RMVs or alternative equivalent technologies on pipelines that span water crossings more than 100 feet wide, from high water mark to high water mark.

§ 195.18 How To Notify PHMSA

In this final rule, operators can notify PHMSA in advance of their intent to use a technology, compliance timeline, or method that differs from that listed in the regulations, when that option is specifically provided in the regulatory text. PHMSA retains discretion under § 195.18 to reject, as appropriate, such requests. Accordingly, PHMSA has revised this section to provide for a consistent notification procedure across part 195 whenever an operator is required to notify PHMSA as a part of a requirement of this final rule. This provision is similar to the notification procedure created for part 192.

§ 195.258 Valves: General

In this final rule, PHMSA is requiring the installation of RMVs or alternative equivalent technologies on certain pipelines. This section specifies that operators must install RMVs, or alternative equivalent technologies, on onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that are constructed, or meet the definition of entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, after April 10, 2023. RMVs and alternative equivalent technologies installed in accordance with this section must meet the existing valve spacing requirements of § 195.260, and all alternative equivalent technologies installed in accordance with this section must meet the operational requirements of RMVs outlined in § 195.419. These installation requirements for entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments only apply to those pipeline replacement projects that involve the addition, replacement, or removal of an existing valve.

If an operator seeks to install alternative equivalent technology pursuant to this section, the operator must, in advance of such installation, submit a notification making such a request to PHMSA in accordance with § 195.18. The operator must include in that notification a site-specific technical and safety evaluation demonstrating that technology provides an equivalent level of safety to an RMV by reference to factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures; technology design and operational characteristics such as operation times (closure times for manual valves); service reliability and life; accessibility to operator personnel; nearby population density; and potential consequences to the environment and the public.

If an operator requests use of manual valves as an alternative equivalent technology, the notification submitted to PHMSA must also demonstrate site-specific economic, technical, or operational infeasibility of installing an RMV (*e.g.,* by reference to factors such as access to communications and power; terrain; prohibitive cost; labor and component availability; ability to secure required land access rights and permits; and accessibility to operator personnel for installation and maintenance.

An operator may also submit for PHMSA review, in accordance with the notification procedures in § 195.18, a project-specific request for extension of the compliance deadline in this section. That notification must demonstrate installation of an RMV or alternative equivalent technology in connection with near-term construction and replacement projects would be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive economic costs, difficulty in securing required access rights and permits, and component/labor availability).

§ 195.260 Valves: Location

Section 195.260 finalizes requirements for the location of valves on newly constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipelines, where such pipeline segments installed after April 10, 2023, must have valve spacing that does not exceed 15 miles for pipelines that could affect HCAs, as that term is defined in § 195.450. For those pipelines that could not affect HCAs, the valve spacing requirements for such pipelines cannot exceed 20 miles. An operator installing valves that protect HCAs must install those valves at locations determined through the operator's process for identifying preventive and mitigative measures established pursuant to § 195.452(i) and Appendix C, Section B of part 195. An operator may submit for PHMSA review, in accordance with the notification procedures in § 195.18, a request for extension of the compliance deadline for valve installation and spacing in this section. That notification must demonstrate that the compliance timeline for valve spacing required by this final rule would be economically, technically, or operationally infeasible in connection with particular near-term construction and replacement projects (*e.g.,* by reference to factors such as access to communications and power; terrain; prohibitive cost; component and labor availability; ability to secure access rights and necessary permits).

PHMSA has also revised the valve location requirements for those pipelines that cross waterways that are more than 100 feet wide from high water mark to high water mark. Accordingly, in this final rule, operators must install valves at locations outside of the 100-year flood plain or otherwise install valves that are equipped with control equipment that would not be made inoperable by flood conditions.[49] Additionally, the maximum spacing between valves protecting multiple

[49] A 100-year flood plain is an area that has a 1-in-100 chance of having a flood event that could be equaled or exceeded in any 1 year, and it has an average recurrence interval of 100 years. 100-year flood plains are determined by the Federal Emergency Management Agency, which operates the official flood hazard Mapping Service Center in support of the National flood insurance program, and they offer flood zone maps online. If another agency, such as a State authority, is responsible for determining the 100-year flood plain for the area where the pipeline is located, the operator should use those resources and documents.

adjacent water crossings cannot exceed 1 mile.

In this section, PHMSA has also finalized spacing requirements for HVL pipelines in high-population areas or other populated areas, as defined in § 195.450. These pipelines must have a maximum valve spacing of 7½ miles if they have been constructed or where 2 or more miles of pipeline have been replaced within a span of 5 contiguous miles within a 24-month period, following April 10, 2023. The maximum valve spacing for HVL pipelines can be increased by 1.25 times the distance to a maximum of a 9⅜-mile spacing if the operator submits for PHMSA review, in accordance with § 195.18, within its notification (1) an evaluation of the safety of the alternative spacing, referencing technical and safety factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures for pertinent pipeline segments; potential consequences to the environment and the public from a rupture on the pertinent pipeline segments; and mitigation measures in the event of a rupture; and (2) a demonstration that the installation of a valve at the otherwise-required spacing is economically, technically or operationally infeasible (*e.g.,* by reference to factors such as access to communications and power; terrain; prohibitive cost; labor and component availability; ability to secure required land access rights and permits; and accessibility to operator personnel for installation and maintenance).

Additionally, operators may notify PHMSA, using the procedure at § 195.18, if, in particular cases, the valve installation or valve spacing requirements of certain paragraphs of this section are not necessary to achieve an equivalent level of safety at a particular site. That notification must include a supporting technical and safety evaluation referencing technical and safety factors including, but not limited to, the following: Design, construction, maintenance, and operating procedures for pertinent pipeline segments; potential consequences to the environment and the public from a rupture on the pertinent pipeline segments; and mitigation measures in the event of a rupture.

§ 195.402 Procedural Manual for Operations, Maintenance, and Emergencies

In this final rule, PHMSA revised § 195.402 to require that emergency procedures provide for rupture mitigation in response to a rupture event. PHMSA is also requiring that operators maintain liaison with and contact the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), if such a service is available, in the event of pipeline emergencies. In lieu of communicating with individual fire, police, or other public entities, operators may instead establish liaison with appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, as appropriate.

PHMSA is requiring, through this final rule, that operators must learn the responsibilities, resources, jurisdictional areas, and emergency contact telephone numbers for each Federal, State, and local government organization that may respond to a pipeline emergency involving their pipeline facilities, and inform such officials of the operator's ability to respond to and communicate during pipeline emergencies. PHMSA has not changed the existing requirements for operators to maintain liaison with fire, police, and other public officials, as appropriate.

In conjunction with the definition of a ''notification of potential rupture,'' PHMSA has in this final rule codified at § 195.402(e)(4) language within the NPRM expressing its expectation that operators will, upon notification of a potential rupture, identify whether there is indeed a rupture by reference to written procedures. At a minimum, the procedures must specify the sources of information, operational factors, and other criteria that the operator will use to evaluate a notification of a potential rupture as an actual rupture. Those written procedures should also incorporate procedures for waiver of any requirements for specific pipeline personnel to conduct on-scene investigation of a potential rupture if an operator receives one or more of the following: Multiple or recurring instrument indications (pressure readings, alarms, etc.) of potential ruptures; pressure drops significantly in excess of the minimum thresholds in § 195.417(a)(1); or reports of rupture indicia from on-scene, credible sources (*e.g.,* on or off-duty pipeline operator personnel, sheriff or police officers, fire department personnel, or other emergency response personnel).

Further, PHMSA has revised this section to define the elements that an operator must incorporate when conducting a post-accident or -failure analysis of ruptures and other accident and failure events involving the activation of RMVs or alternative equivalent technologies. PHMSA has not made changes, otherwise, to the existing requirements in this section for operators of hazardous liquid and carbon dioxide pipelines to establish procedures for analyzing accidents and failures.

The revision requires the operator to identify potential preventive and mitigative measures that could be taken to reduce or limit the release volume and damage from similar events in the future. The post-incident review would include but not be limited to detection and mitigation actions, response time, valve location, valve actuation, and SCADA system performance. Upon completing the post-accident analysis, the operator must develop and implement the lessons learned throughout its suite of procedures, including in pertinent operator personnel training and qualification programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. In accordance with this section, an operator must also complete a summary of the post-incident review within 90 days of the incident, and, while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-incident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the operator's appropriate senior executive officer. Further, an operator must keep the final post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned for the useful life of the pipeline. The requirements to produce a summary report are not applicable to gas distribution pipelines.

PHMSA has also modified the failure and accident investigation requirements at § 195.402 to require operators subject to that provision to incorporate lessons learned from those investigations into their written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

§ 195.417 Notification of Potential Rupture

In this section, PHMSA provides the criteria for a ''notification of potential rupture,'' as that term is defined in § 195.2.

§ 195.418 Valves: Onshore Valve Shut-Off for Rupture Mitigation

This section requires operators to install or use RMVs or alternative equivalent technologies on many newly

constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments with diameters of 6 inches or greater. Such valves would be required to be operational within 14 days of placing the pipeline segment into service unless the operator has submitted for PHMSA review, in accordance with the notification procedure at § 195.18, a request for extension demonstrating that operation of that RMV or alternative equivalent technology within that 14-day timeframe is not economically, technically, or operationally feasible. The requirements of this section apply to all applicable pipe replacement projects, even those that do not otherwise directly involve the addition or replacement of a valve.

For the purposes of the RMV and alternative equivalent technology installation requirements, PHMSA created a definition for a ''shut-off segment,'' which is a pipeline segment that is entirely located between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for commodity receipts or deliveries connects to the shut-off segment between the upstream-most and downstream-most RMV or alternative equivalent technology, the shut-off segment also extends to valves on those crossover connections or laterals, whether those laterals are used for receipt or delivery, so that, when all valves are closed, there is no flow path for commodity to be transported from outside the shut-off segment to the rupture site. Laterals that connect to shut-off segments and that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies installed at locations other than mainline receipt or delivery points. A shut-off segment can include multiple HCAs, and operators are not required to select the closest valve to the shut-off segment as an RMV or alternative equivalent technology as long as the proper valve spacing is maintained.

This section also establishes valve spacing for RMVs or alternative equivalent technology installed in accordance with this section, where the distance between such RMVs and alternative equivalent technologies must not exceed 15 miles for lines carrying non-HVLs, and 7½ miles for lines carrying HVLs. The maximum valve spacing intervals for RMVs and alternative equivalent technologies on pipelines carrying HVLs may be increased by 1.25 times the spacing distance to a maximum of 9⅜ miles, subject to review by PHMSA of an operator's request demonstrating that installation of a valve at a 7-mile to a 7½-mile spacing is economically, technically, or operationally infeasible.

Operators using a manual valve as an alternative equivalent technology in lieu of an RMV for the purposes of this section must appropriately designate and locate personnel near the valve to ensure valve shut-off in accordance with this section and the RMV performance requirements in § 195.419.

§ 195.419 Valve Capabilities

In this section, PHMSA establishes the operational requirements for RMVs and alternative equivalent technologies installed pursuant to this final rule. Following a ''notification of potential rupture,'' an operator must identify whether a rupture is occurring on their system and close RMVs and alternative equivalent technologies as soon as practicable, but no later than within 30 minutes of rupture identification, or, if applicable, no later than the shut-down times used in calculating a worst-case discharge in accordance with § 194.105(b)(1), whichever shut-off time is a shorter time interval.

RMVs and alternative equivalent technologies must be capable of being monitored or controlled by remote or on-site personnel, operated during all operating conditions, and monitored for valve status. Operators using ASVs as RMVs do not need to monitor those valves remotely if the operator has the capability to monitor pressures or product flow rate on the pipeline in order to identify and locate a rupture.

Operators of pipelines in non-HCAs or of segments that could not affect an HCA may submit for PHMSA review, within a notification under § 195.18 requesting installation of manual valves as an alternative equivalent technology, an exemption from the valve operation requirements of § 195.419(b). An operator seeking such an exemption must provide for PHMSA review within that notification the closing times for those manual valves.

§ 195.420 Valve Maintenance

In this final rule, PHMSA is revising § 195.420 to incorporate the maintenance, inspection, and operator drills required to ensure operators can close an RMV or alternative equivalent technology installed under this final rule as soon as practicable, but within 30 minutes following rupture identification or within their shut-down times used in calculating the worst-case discharge in accordance with § 194.105(b)(1), whichever is a shorter time interval. PHMSA is finalizing initial validation drill requirements and requirements for periodic confirmation drills for any manually or locally operated valve used as an alternative equivalent technology in lieu of an RMV. Operators are not required to close the valves fully during such drills; a closure of 25 percent, at a minimum, is sufficient to be compliant. If the 30-minute-maximum closure time cannot be achieved during the drill, or shorter time pursuant to its part 194 worst-case discharge calculations, the operator must revise their response efforts and repair any valves to achieve compliance as soon as practicable but no later than 12 months after the drill. Operators may request, pursuant to the notification procedure at § 195.18, an extension of the 12-month repair timeline if such repair within 12 months would be economically, technically, or operationally infeasible (*e.g.,* by reference to prohibitive costs, difficulty in securing required access rights and permits, long procurement lead times, and component/labor availability). Alternative valve shut-off measures must be in place within 7 days of a failed drill. For each RCV installed under §§ 195.258(c) or 195.418, the operator must conduct a point-to-point verification between SCADA displays, the installed valves, sensors, and communications equipment in accordance with § 195.446(c) and (e), or perform an equivalent verification.

Per this final rule, operators are required to identify corrective actions and lessons learned resulting from the validation and confirmation drills and share and implement them across its entire network of pipeline systems.

§ 195.452 Pipeline Integrity Management in High Consequence Areas

In this final rule, PHMSA is revising § 195.452(i)(4) to clarify the requirements for conducting emergency flow restricting device evaluations for HCAs, particularly when an operator installs such valves as preventive and mitigative measures to improve response times for, and mitigate the consequences of, pipeline ruptures. Emergency flow restriction devices that are installed in accordance with this section must meet all RMV requirements in part 195.

PHMSA is also requiring that risk analyses and assessments conducted under this section be completed prior to placing into service all onshore pipelines with diameters of 6 inches or greater and that are constructed or that have had 2 or more miles of pipeline replaced within 5 contiguous miles within a 24-month period after April 10, 2023. The implementation of emergency

flow restricting device findings for any RMVs installed must meet § 195.418.

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This final rule is published pursuant to the authority granted to the Secretary of Transportation by the Federal Pipeline Safety Statutes (49 U.S.C. 60101 *et seq.*). Section 60102(a) authorizes issuance of regulations governing design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. The final rule also implements a statutory mandate at 49 U.S.C. 60102(n) requiring the Secretary to issue regulations requiring the installation of RMVs or equivalent technology on new and entirely replaced transmission lines. *See also* 49 U.S.C. 5103 (regulatory authority to prescribe regulations for transportation of hazardous materials), and 30 U.S.C. 185(w)(3)) (authority to prescribe reporting requirements for pipelines traversing Federal lands). The Secretary delegated these authorities to the PHMSA Administrator in 49 CFR 1.97.

B. Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866 (''Regulatory Planning and Review'') [50] requires that ''agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Agencies should consider quantifiable measures and qualitative measures of costs and benefits that are difficult to quantify.'' Further, Executive Order 12866 requires that ''agencies should maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.'' Similarly, DOT Order 2100.6A (''Rulemaking and Guidance Procedures'') requires that regulations issued by PHMSA and other DOT Operating Administrations should consider an assessment of the potential benefits, costs, and other important impacts of the proposed action and should quantify (to the extent practicable) the benefits, costs, and any significant distributional impacts, including any environmental impacts.

This action has been determined to be significant under Executive Order 12866. The final rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12866 and is consistent with the requirements of Executive Order 12866, 49 U.S.C. 60102(b)(5), and DOT Order 2100.6A. The Office of Information and Regulatory Affairs (OIRA) has not designated this rule as a ''major rule'' as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

Executive Order 12866 and DOT Order 2100.6A also require PHMSA to provide a meaningful opportunity for public participation, which also reinforces requirements for notice and comment under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Therefore, in the NPRM, PHMSA sought public comment on its proposed revisions to the Federal Pipeline Safety Regulations and the preliminary cost and benefit analyses in the Preliminary RIA, as well as any information that could assist in quantifying the costs and benefits of this rulemaking. Those comments are addressed in this final rule, and additional discussion about the costs and benefits of the final rule are provided within the RIA posted in the rulemaking docket.

The table below summarizes the annualized costs for the provisions in the final rule at a 3 percent and a 7 percent discount rate:

TABLE 1—ANNUALIZED COSTS OF THE FINAL RULE

[Millions 2019$]

System type	7% Discount rate	3% Discount rate
Natural gas	$2.5	$1.0
Hazardous liquid	3.4	1.5
Total	5.9	2.5

The benefits of the final rule consist of improved safety and avoided unquantified environmental harms (including, but not limited to, unquantified greenhouse gas emissions) from prompt identification, isolation, and mitigation actions with respect to unintentional or uncontrolled, large-volume releases of natural gas or hazardous liquids during a pipeline rupture. Benefits of the final rule will depend on the degree to which compliance actions result in additional safety measures, relative to the baseline, and the effectiveness of these measures in preventing or mitigating future pipeline releases or other incidents.

C. Executive Order 13132: Federalism

PHMSA analyzed this final rule in accordance with Executive Order 13132 (''Federalism'').[51] Executive Order 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may 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.''

The final rule does not have a substantial direct effect on the State and local governments, the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government. This rulemaking action does not impose substantial direct compliance costs on State and local governments. Section 60104(c) of Title 49 of the United States Code prohibits certain State safety regulation of interstate pipelines. States can augment pipeline safety requirements for intrastate pipelines regulated by PHMSA, but may not approve safety requirements less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of this final rule is limited to the minimum level necessary to achieve the objectives of the statutory authorities under which the final rule is promulgated. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires agencies to prepare a Final Regulatory Flexibility Analysis (FRFA) for any final rule subject to notice-and-comment rulemaking under the Administrative Procedure Act unless the agency head certifies that the rule will not have a significant economic impact on a substantial number of small entities. This final rule was developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') [52] to promote compliance with the Regulatory Flexibility Act and to ensure that the potential impacts of the rulemaking on small entities has been properly considered.

PHMSA prepared a FRFA, which is available in the docket for the rulemaking. In it, PHMSA certifies that the rule will not have a significant impact on a substantial number of small entities.

[50] 58 FR 51735 (Oct. 4, 1993).

[51] 64 FR 43255 (Aug. 10, 1999).

[52] 67 FR 53461 (Aug. 16, 2002).

E. National Environmental Policy Act

The National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA) requires Federal agencies to consider the consequences of major Federal actions and prepare a detailed statement on actions significantly affecting the quality of the human environment. The Council on Environmental Quality implementing regulations (40 CFR parts 1500–1508) require Federal agencies to conduct an environmental review considering (1) the need for the action, (2) alternatives to the action, (3) probable environmental impacts of the action and alternatives, and (4) the agencies and persons consulted during the consideration process. DOT Order 5610.1C (''Procedures for Considering Environmental Impacts'') establishes departmental procedures for evaluation of environmental impacts under NEPA and its implementing regulations.

PHMSA has completed its NEPA analysis. Based on the final Environmental Assessment (EA), PHMSA determined that an environmental impact statement is not required for this rulemaking because it will not have a significant impact on the human environment. The final EA and Finding of No Significant Impact have been placed into the docket and address comments received on an earlier draft EA.

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

PHMSA analyzed this final rule per the principles and criteria in Executive Order 13175 (''Consultation and Coordination With Indian Tribal Governments'') [53] and DOT Order 5301.1 (''Department of Transportation Policies, Programs, and Procedures Affecting American Indians, Alaska Natives, and Tribes''). Executive Order 13175 requires agencies to assure meaningful and timely input from Tribal Government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship and distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the rulemaking and determined that it would not significantly or uniquely affect Tribal communities or Tribal governments. The rulemaking's regulatory amendments are facially neutral and would have broad, national scope; PHMSA, therefore, does not expect this rulemaking to significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. And insofar as PHMSA expects the rulemaking will improve pipeline safety and reduce environmental risks, PHMSA does not expect it would entail disproportionately high adverse risks for Tribal communities. PHMSA also received no comments alleging ''substantial direct compliance costs'' or ''substantial direct effects'' on Tribal communities and Governments. For these reasons, PHMSA has determined the funding and consultation requirements of Executive Order 13175 and DOT Order 5301.1 do not apply.

G. Executive Order 13211

Executive Order 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'') [54] requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' Executive Order 13211 defines a ''significant energy action'' as any action by an agency (normally published in the **Federal Register**) that promulgates, or is expected to lead to the promulgation of, a final rule or regulation that (1) (i) is a significant regulatory action under Executive Order 12866 or any successor order and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy (including a shortfall in supply, price increases, and increased use of foreign supplies); or (2) is designated by the Administrator of the OIRA as a significant energy action.

This final rule is a significant action under Executive Order 12866; however, it is expected to have an annual effect on the economy of less than $100 million. Further, this action is not likely to have a significant adverse effect on the supply, distribution, or use of energy in the United States. The Administrator of OIRA has not designated the final rule as a significant energy action. For additional discussion of the anticipated economic impact of this rulemaking, please review the RIA posted in the rulemaking docket.

H. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Pursuant to implementing regulations at 5 CFR 1320.8(d), PHMSA is required to provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests.

PHMSA published an NPRM seeking public comment on its proposed revisions to the Federal Pipeline Safety Regulations finalized in this rulemaking. Based on comments received and the updated provisions contained within this final rule, PHMSA is expanding the notification and recordkeeping requirements for gas and hazardous liquid pipeline operators. The provisions in this final rule include the following Paperwork Reduction Act impacts:

Operators are required to document certain procedures and to maintain records pertaining to various aspects of their RMV and alternative equivalent technology operations. Operators who have experienced a rupture or RMV shut-off are required to complete a post-incident or -accident analysis. The summary of this analysis, all documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline.

Operators must also develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture is an actual rupture event or non-rupture event. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture.

The final rule (at 49 CFR 192.179 and 49 CFR 195.258) requires operators who elect to use alternative equivalent technology to notify PHMSA's Office of Pipeline Safety at least 90 days in advance of use. An operator choosing this option must submit a technical and safety evaluation (including design, construction, and operating procedures) for the alternative equivalent technology to the Associate Administrator of Pipeline Safety with the notification. PHMSA would then have 90 days to object to the alternative equivalent technology via letter from the Associate Administrator of Pipeline Safety; otherwise, the alternative equivalent technology would be acceptable for use. Operators who wish to use a manual valve as an alternative equivalent technology will also be required to include within their notification to PHMSA an explanation that installation of an RMV would be economically, technically, or operationally infeasible.

An operator may seek PHMSA's approval for an exemption from several other regulatory installation and

[53] 65 FR 67249 (Nov. 6, 2000).

[54] 66 FR 28355 (May 18, 2001).

operational requirements under the final rule by notifying PHMSA in certain instances. For example, an operator of a gas pipeline may plan to leave an RMV open for more than 30 minutes following rupture identification if the operator demonstrates to PHMSA, in accordance with the notification procedures in § 192.18, that closing an RMV, or alternative equivalent technology would be detrimental to public safety. Likewise, for hazardous liquid pipeline segments not in an HCA and which could not affect an HCA, an operator may request exemption from specified requirements if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that installing an otherwise-required RMV, or alternative equivalent technology, would be economically, technically, or operationally infeasible. Similarly, the maximum valve spacing for HVL pipelines can be increased by 1.25 times the distance to a maximum of 9 ⅜ miles if the operator submits a notification for PHMSA review demonstrating that the installation of a valve at the otherwise-required spacing is economically, technically, or operationally infeasible. Lastly, the final rule also identifies procedures for operators of gas and hazardous liquid lines to submit for PHMSA review a notification requesting extension of required timelines (*e.g.,* for RMV or alternative equivalent technology installation, RMV operability post-installation) specified in the final rule.

PHMSA proposes to create an information collection under OMB Control Number 2137–0637 titled, ''Rupture Mitigation Valve Recordkeeping Requirements'' to account for the expanded recordkeeping requirements in this final rule. PHMSA also proposes to create an information collection under OMB Control Number 2137–0638 titled, ''Rupture Mitigation Valve Notification Requirements'' to account for the expanded notification requirements in this final rule.

PHMSA will request approval of these information collections from the Office of Management and Budget (OMB) based on the requirements that trigger components of the Paperwork Reduction Act and will notify the public through a separate notice published in the **Federal Register** upon OMB approval of the information collection requirements.

The following information is provided for each of these information collections: (1) Title of the information collection; (2) OMB control number; (3) current expiration date; (4) type of request; (5) abstract of the information collection activity; (6) description of affected public; (7) estimate of total annual reporting and recordkeeping burden; and (8) frequency of collection. The information collection burdens are estimated as follows:

1. Title: ''Rupture Mitigation Valve Recordkeeping Requirements.''

OMB Control Number: 2137–0637.

Current Expiration Date: To be determined by OMB.

Abstract: The ''Amendments to parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards Final Rule'' requires operators of gas and hazardous liquid pipelines to document certain procedures and to maintain records pertaining to various aspects of their RMV and alternative equivalent technology operations. Operators who have experienced a rupture or RMV valve shut-off are required to complete a post-incident review. The post-incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the life of the pipeline. PHMSA estimates that it will take operators, on average, 40 hours to comply with this requirement.

Operators must also develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture is an actual rupture event or non-rupture event as soon as practicable. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture. PHMSA estimates that it will take operators 40 hours to comply with this requirement. Operators are also required to maintain certain records if they experience certain circumstances involving their RMV operations. On average, PHMSA expects that it will take operators 8 hours to complete these recordkeeping requirements.

PHMSA estimates that 1,812 operators (1,304 natural gas and 508 hazardous liquid operators) will be potentially impacted by these requirements. At minimum, all 1,812 operators will be required to develop written rupture identification procedures. PHMSA estimates 46 of these operators will experience a rupture that will require the completion of a post-incident or -accident summary. PHMSA expects that 10 percent of the affected community will be subject to the various other recordkeeping requirements. As a result, PHMSA expects this information collection to result in 4,213 responses and 85,724 burden hours annually.

Affected Public: Operators of PHMSA-Regulated Pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 4,213.

Total Annual Burden Hours: 85,724.

Frequency of Collection: On occasion.

2. Title: ''Rupture Mitigation Valve Notification Requirements.''

OMB Control Number: 2137–0638.

Current Expiration Date: To be determined by OMB.

Abstract: The ''Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards Final Rule'' requires operators to notify PHMSA in certain instances regarding installation and operation of RMVs and alternative equivalent technologies. 49 CFR 192.179 and 195.258 require operators who elect to use alternative equivalent technology to notify the Office of Pipeline Safety at least 90 days in advance of use. An operator choosing this option must include a technical and safety evaluation, including design, construction, and operating procedures for the alternative equivalent technology with the notification. Operators who wish to use a manual valve as an alternative equivalent technology will also be required to include within their notification to PHMSA an explanation that installation of an RMV would be economically, technically, or operationally infeasible. PHMSA expects most operators to use standard technology and, as such, estimates this notification requirement will result in approximately four responses annually. PHMSA estimates each operator will spend 40 hours annually compiling the necessary components of this notification requirement.

Operators must notify PHMSA if an RMV cannot be made operational within 14 days of installation. Operators must also notify PHMSA if a valve cannot be repaired or replaced within 12 months. PHMSA expects roughly 10 percent of operators to experience these circumstances taking 2 hours to complete the notification requirement.

An operator may seek exemption from certain regulatory requirements by notifying PHMSA in certain instances. For example, an operator may plan to leave an RMV open for more than 30 minutes following rupture identification if the operator demonstrates to PHMSA, that closing an RMV, or alternative equivalent technology, would be detrimental to public safety.

Likewise, for hazardous liquid pipeline segments not in an HCA which could not affect an HCA, an operator may request exemption from certain requirements if it can demonstrate to

PHMSA that installing an otherwise-required RMV, or alternative equivalent technology, would be economically, technically, or operationally infeasible. PHMSA expects 10 percent of operators to make each of these and other notifications annually. PHMSA estimates that it will take operators, on average, 8 hours to make these notifications.

Affected Public: Operators of PHMSA-Regulated Pipelines.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 598.

Total Annual Burden Hours: 2,378.

Frequency of Collection: On occasion.

Questions regarding these information collections should be directed to Angela Hill, Office of Pipeline Safety (PHP–30), Pipeline and Hazardous Materials Safety Administration, 2nd Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–1246.

I. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any NPRM or final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more (adjusted annually for inflation) in any given year, the agency must prepare, among other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

As explained in the RIA, PHMSA determined that this final rule does not impose enforceable duties on State, local, or Tribal governments or on the private sector of $100 million or more (adjusted annually for inflation) in any one year. A copy of the RIA is available for review in the docket. Therefore, the Department has determined that no assessment is required pursuant to UMRA.

J. Privacy Act Statement

Anyone may search the electronic form of all comments received for any of our dockets. You may review DOT's complete Privacy Act Statement [55] at *http://www.dot.gov/privacy.*

K. Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

L. Executive Order 13609 and International Trade Analysis

Executive Order 13609 (''Promoting International Regulatory Cooperation'') [56] requires agencies consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards to protect the safety of the American public. PHMSA has assessed the effects of the rulemaking and determined that it will not cause unnecessary obstacles to foreign trade.

M. Environmental Justice

DOT Order 5610.2(b) and Executive Orders 12898 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations''),[57] 13985 (''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government''),[58] 13990, and 14008 require DOT operational administrations to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations, low-income populations, and other underserved disadvantaged communities.

PHMSA has evaluated this final rule under DOT Order 5610.2(b) and the Executive Orders listed above and determined it will not cause disproportionately high and adverse human health and environmental effects on minority populations, low-income populations, or other underserved and disadvantaged communities. The rulemaking is facially neutral and national in scope; it is neither directed toward a particular population, region, or community, nor is it expected to adversely impact any particular population, region, or community. And insofar as PHMSA expects the rulemaking would reduce the safety and environmental risks associated with affected natural gas and hazardous liquid pipelines, many of which are sited in the vicinity of environmental justice communities,[59] PHMSA does not expect the regulatory amendments introduced by this final rule would entail disproportionately high adverse risks for minority populations, low-income populations, or other underserved and other disadvantaged communities in the vicinity of those pipelines. Lastly, as explained in final EA, PHMSA expects that the regulatory amendments in this final rule will yield GHG emissions reductions, thereby reducing the risks posed by anthropogenic climate change to minority, low-income, underserved, and other disadvantaged populations and communities.

List of Subjects

49 CFR Part 192

Gas, Natural gas, Pipeline safety, Reporting and recordkeeping requirements.

[55] 65 FR 19476 (Apr. 11, 2000).

[56] 77 FR 26413 (May 4, 2012).

[57] 59 FR 7629 (Feb. 16, 1994).

[58] 86 FR 7009 (Jan. 20, 2021).

[59] *See* Ryan Emmanuel, et al., ''Natural Gas Gathering and Transmission Pipelines and Social Vulnerability in the United States,'' 5:6 GeoHealth (June 2021), *https://agupubs.onlinelibrary.wiley.com/toc/24711403/2021/5/6* (concluding that natural gas gathering and transmission infrastructure is disproportionately sited in socially-vulnerable communities).

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR parts 192 and 195 as follows:

PART 192—TRANSPORTATION OF NATURAL GAS AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 1. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.,* and 49 CFR 1.97.

■ 2. In § 192.3, definitions for ''entirely replaced onshore transmission pipeline segments'', ''notification of potential rupture'', and ''rupture-mitigation valve'' are added in alphabetical order to read as follows:

§ 192.3 Definitions.

* * * * *

Entirely replaced onshore transmission pipeline segments means, for the purposes of §§ 192.179 and 192.634, where 2 or more miles, in the aggregate, of onshore transmission pipeline have been replaced within any 5 contiguous miles of pipeline within any 24-month period.

* * * * *

Notification of potential rupture means the notification to, or observation by, an operator of indicia identified in § 192.635 of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline.

* * * * *

Rupture-mitigation valve (RMV) means an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of gas released from the pipeline and to mitigate the consequences of a rupture.

* * * * *

■ 3. In § 192.9, paragraphs (d)(1) and (e)(1)(i) are revised to read as follows:

§ 192.9 What requirements apply to gathering lines?

* * * * *

(d) * * *

(1) If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this part applicable to transmission lines. Compliance with §§ 192.67, 192.127, 192.179(e), 192.179(f), 192.205, 192.227(c), 192.285(e), 192.506, 192.634, and 192.636 is not required.

* * * * *

(e) * * *

(1) * * *

(i) Except as provided in paragraph (h) of this section for pipe and components made with composite materials, the design, installation, construction, initial inspection, and initial testing of a new, replaced, relocated, or otherwise changed Type C gathering line, must be done in accordance with the requirements in subparts B though G and J of this part applicable to transmission lines. Compliance with §§ 192.67, 192.127, 192.179(e), 192.179(f), 192.205, 192.227(c), 192.285(e), 192.506, 192.634, and 192.636 is not required;

* * * * *

■ 4. In § 192.18, paragraph (c) is revised to read as follows:

§ 192.18 How to notify PHMSA.

* * * * *

(c) Unless otherwise specified, if an operator submits, pursuant to § 192.8, § 192.9, § 192.179, § 192.506, § 192.607, § 192.619, § 192.624, § 192.632, § 192.634, § 192.636, § 192.710, § 192.712, § 192.745, § 192.921, or § 192.937, a notification for use of a different integrity assessment method, analytical method, sampling approach, or technique (*e.g.,* ''other technology'' or ''alternative equivalent technology'') than otherwise prescribed in those sections, that notification must be submitted to PHMSA for review at least 90 days in advance of using the other method, approach, compliance timeline, or technique. An operator may proceed to use the other method, approach, compliance timeline, or technique 91 days after submitting the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the proposal, or that PHMSA requires additional time and/or more information to conduct its review.

■ 5. In § 192.179, paragraphs (e) through (h) are added to read as follows:

§ 192.179 Transmission line valves.

* * * * *

(e) For onshore transmission pipeline segments with diameters greater than or equal to 6 inches that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (g) of this section. All RMVs and alternative equivalent technologies installed pursuant to this paragraph must meet the requirements of §§ 192.634 and 192.636. Exempted from this paragraph's installation requirements are pipeline segments in Class 1, or Class 2 locations that have a potential impact radius (PIR), as defined in § 192.903, of 150 feet or less. An operator may request an extension of the installation compliance deadline requirements of this paragraph (e) if it can demonstrate to PHMSA, in accordance with the notification procedures in § 192.18, that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular new pipeline.

(f) For entirely replaced onshore transmission pipeline segments, as defined in § 192.3, with diameters greater than or equal to 6 inches and that are installed after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in paragraph (g) of this section. All RMVs and alternative equivalent technologies installed pursuant to this paragraph must meet the requirements of §§ 192.634 and 192.636. The requirements of this paragraph apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. This paragraph's installation requirements do not apply to pipe segments in Class 1 or Class 2 locations that have a PIR, as defined in § 192.903, that is less than or equal to 150 feet. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in § 192.18, that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular pipeline replacement project.

(g) If an operator elects to use alternative equivalent technology in accordance with paragraph (e) or (f) of this section, the operator must notify PHMSA in accordance with the procedures in § 192.18. The operator must include a technical and safety evaluation in its notice to PHMSA. Valves that are installed as alternative equivalent technology must comply with §§ 192.634 and 192.636. An operator requesting use of manual valves as an alternative equivalent

technology must also include within the notification submitted to PHMSA a demonstration that installation of an RMV as otherwise required would be economically, technically, or operationally infeasible. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology, and use of such valve would not require a notification to PHMSA in accordance with § 192.18, but it must comply with § 192.636.

(h) The valve spacing requirements of paragraph (a) of this section do not apply to pipe replacements on a pipeline if the distance between each point on the pipeline and the nearest valve does not exceed:

(1) Four (4) miles in Class 4 locations, with a total spacing between valves no greater than 8 miles;

(2) Seven-and-a-half (7½) miles in Class 3 locations, with a total spacing between valves no greater than 15 miles; or

(3) Ten (10) miles in Class 1 or 2 locations, with a total spacing between valves no greater than 20 miles.

■ 6. Section 192.610 is added to read as follows:

§ 192.610 Change in class location: Change in valve spacing.

(a) If a class location change on a transmission pipeline occurs after October 5, 2022, and results in pipe replacement, of 2 or more miles, in the aggregate, within any 5 contiguous miles within a 24-month period, to meet the maximum allowable operating pressure (MAOP) requirements in § 192.611, § 192.619, or § 192.620, then the requirements in §§ 192.179, 192.634, and 192.636, as applicable, apply to the new class location, and the operator must install valves, including rupture-mitigation valves (RMV) or alternative equivalent technologies, as necessary, to comply with those sections. Such valves must be installed within 24 months of the class location change in accordance with the timing requirement in § 192.611(d) for compliance after a class location change.

(b) If a class location change occurs after October 5, 2022, and results in pipe replacement of less than 2 miles within 5 contiguous miles during a 24-month period, to meet the MAOP requirements in § 192.611, § 192.619, or § 192.620, then within 24 months of the class location change, in accordance with § 192.611(d), the operator must either:

(1) Comply with the valve spacing requirements of § 192.179(a) for the replaced pipeline segment; or

(2) Install or use existing RMVs or alternative equivalent technologies so that the entirety of the replaced pipeline segments are between at least two RMVs or alternative equivalent technologies. The distance between RMVs and alternative equivalent technologies for the replaced segment must not exceed 20 miles. The RMVs and alternative equivalent technologies must comply with the applicable requirements of § 192.636.

(c) The provisions of paragraph (b) of this section do not apply to pipeline replacements that amount to less than 1,000 feet within any one contiguous mile during any 24-month period.

■ 7. In § 192.615, paragraphs (a)(2), (6), (8), and (11) are revised, paragraph (a)(12) is added, and paragraph (c) introductory text is revised to read as follows:

§ 192.615 Emergency plans.

(a) * * *

(2) Establishing and maintaining adequate means of communication with the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. An operator must determine the responsibilities, resources, jurisdictional area(s), and emergency contact telephone number(s) for both local and out-of-area calls of each Federal, State, and local government organization that may respond to a pipeline emergency, and inform such officials about the operator's ability to respond to a pipeline emergency and the means of communication during emergencies.

* * * * *

(6) Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, or pressure reduction, in any section of the operator's pipeline system, to minimize hazards of released gas to life, property, or the environment.

* * * * *

(8) Notifying the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center) where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials, of gas pipeline emergencies to coordinate and share information to determine the location of the emergency, including both planned responses and actual responses during an emergency. The operator must immediately and directly notify the appropriate public safety answering point or other coordinating agency for the communities and jurisdictions in which the pipeline is located after receiving a notification of potential rupture, as defined in § 192.3, to coordinate and share information to determine the location of any release, regardless of whether the segment is subject to the requirements of § 192.179, § 192.634, or § 192.636.

* * * * *

(11) Actions required to be taken by a controller during an emergency in accordance with the operator's emergency plans and requirements set forth in §§ 192.631, 192.634, and 192.636.

(12) Each operator must develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture, as defined in § 192.3, is an actual rupture event or a non-rupture event. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture and identify an actual rupture. For operators installing valves in accordance with § 192.179(e), § 192.179(f), or that are subject to the requirements in § 192.634, those procedures must provide for rupture identification as soon as practicable.

* * * * *

(c) Each operator must establish and maintain liaison with the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center) where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to:

* * * * *

■ 8. Section 192.617 is revised to read as follows:

§ 192.617 Investigation of failures and incidents.

(a) *Post-failure and incident procedures.* Each operator must establish and follow procedures for investigating and analyzing failures and incidents as defined in § 191.3, including sending the failed pipe, component, or equipment for laboratory testing or examination, where appropriate, for the purpose of determining the causes and contributing factor(s) of the failure or incident and

minimizing the possibility of a recurrence.

(b) *Post-failure and incident lessons learned.* Each operator must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

(c) *Analysis of rupture and valve shut-offs.* If an incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in § 192.3, or the closure of alternative equivalent technology, the operator of the pipeline must also conduct a post-incident analysis of all of the factors that may have impacted the release volume and the consequences of the incident and identify and implement operations and maintenance measures to prevent or minimize the consequences of a future incident. The requirements of this paragraph (c) are not applicable to distribution pipelines or Types B and C gas gathering pipelines. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following:

(1) Detection, identification, operational response, system shut-off, and emergency response communications, based on the type and volume of the incident;

(2) Appropriateness and effectiveness of procedures and pipeline systems, including supervisory control and data acquisition (SCADA), communications, valve shut-off, and operator personnel;

(3) Actual response time from identifying a rupture following a notification of potential rupture, as defined at § 192.3, to initiation of mitigative actions and isolation of the pipeline segment, and the appropriateness and effectiveness of the mitigative actions taken;

(4) Location and timeliness of actuation of RMVs or alternative equivalent technologies; and

(5) All other factors the operator deems appropriate.

(d) *Rupture post-failure and incident summary.* If a failure or incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the identification of a rupture following a notification of potential rupture, or the closure of an RMV (as those terms are defined in § 192.3), or the closure of an alternative equivalent technology, the operator of the pipeline must complete a summary of the post-failure or incident review required by paragraph (c) of this section within 90 days of the incident, and while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-failure or incident summary, and all other reviews and analyses produced under the requirements of this section, must be reviewed, dated, and signed by the operator's appropriate senior executive officer. The final post-failure or incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline. The requirements of this paragraph (d) are not applicable to distribution pipelines or Types B and C gas gathering pipelines.

■ 9. Section 192.634 is added to read as follows:

§ 192.634 Transmission lines: Onshore valve shut-off for rupture mitigation.

(a) *Applicability.* For new or entirely replaced onshore transmission pipeline segments with diameters of 6 inches or greater that are located in high-consequence areas (HCA) or Class 3 or Class 4 locations and that are installed after April 10, 2023, an operator must install or use existing rupture-mitigation valves (RMV), or an alternative equivalent technology, according to the requirements of this section and §§ 192.179 and 192.636. RMVs and alternative equivalent technologies must be operational within 14 days of placing the new or replaced pipeline segment into service. An operator may request an extension of this 14-day operation requirement if it can demonstrate to PHMSA, in accordance with the notification procedures in § 192.18, that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this section apply to all applicable pipe replacement projects, even those that do not otherwise involve the addition or replacement of a valve. This section does not apply to pipe segments in Class 1 or Class 2 locations that have a potential impact radius (PIR), as defined in § 192.903, that is less than or equal to 150 feet.

(b) *Maximum spacing between valves.* RMVs, or alternative equivalent technology, must be installed in accordance with the following requirements:

(1) *Shut-off segment.* For purposes of this section, a ''shut-off segment'' means the segment of pipe located between the upstream valve closest to the upstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment and the downstream valve closest to the downstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment so that the entirety of the segment that is within the HCA or the Class 3 or Class 4 location is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream valves, the shut-off segment also must extend to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to the rupture site (except for residual gas already in the shut-off segment). Multiple Class 3 or Class 4 locations or HCA segments may be contained within a single shut-off segment. The operator is not required to select the closest valve to the shut-off segment as the RMV, as that term is defined in § 192.3, or the alternative equivalent technology. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology, but it must be able to be closed within 30 minutes following rupture identification, as that term is defined at § 192.3. Such a valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with § 192.18.

(2) *Shut-off segment valve spacing.* A pipeline subject to paragraph (a) of this section must have RMVs or alternative equivalent technology on the upstream and downstream side of the pipeline segment. The distance between RMVs or alternative equivalent technologies must not exceed:

(i) Eight (8) miles for any Class 4 location,

(ii) Fifteen (15) miles for any Class 3 location, or

(iii) Twenty (20) miles for all other locations.

(3) *Laterals.* Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of the laterals contributing gas volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment gas volume based upon maximum flow volume at the operating pressure. For laterals that are 12 inches in diameter or less, a check valve that allows gas to flow freely in one direction and contains a mechanism to automatically prevent flow in the other direction may be used as an alternative equivalent technology where it is

positioned to stop flow into the shut-off segment. Such check valves that are used as an alternative equivalent technology in accordance with this paragraph are not subject to § 192.636, but they must be inspected, operated, and remediated in accordance with § 192.745, including for closure and leakage to ensure operational reliability. An operator using such a check valve as an alternative equivalent technology must notify PHMSA in accordance with §§ 192.18 and 192.179 develop and implement maintenance procedures for such equipment that meet § 192.745.

(4) *Crossovers.* An operator may use a manual valve as an alternative equivalent technology in lieu of an RMV for a crossover connection if, during normal operations, the valve is closed to prevent the flow of gas by the use of a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must develop and implement operating procedures and document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of gas. An operator using such a manual valve as an alternative equivalent technology must notify PHMSA in accordance with §§ 192.18 and 192.179.

(c) *Manual operation upon identification of a rupture.* Operators using a manual valve as an alternative equivalent technology as authorized pursuant to §§ 192.18 and 192.179 must develop and implement operating procedures that appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this section and § 192.636. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to shut off all valves manually, not to exceed the maximum response time allowed under § 192.636(b).

■ 10. Section 192.635 is added to read as follows:

§ 192.635 Notification of potential rupture.

(a) As used in this part, a ''notification of potential rupture'' refers to the notification of, or observation by, an operator (*e.g.,* by or to its controller(s) in a control room, field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities) of one or more of the below indicia of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline:

(1) An unanticipated or unexplained pressure loss outside of the pipeline's normal operating pressures, as defined in the operator's written procedures. The operator must establish in its written procedures that an unanticipated or unplanned pressure loss is outside of the pipeline's normal operating pressures when there is a pressure loss greater than 10 percent occurring within a time interval of 15 minutes or less, unless the operator has documented in its written procedures the operational need for a greater pressure-change threshold due to pipeline flow dynamics (including changes in operating pressure, flow rate, or volume), that are caused by fluctuations in gas demand, gas receipts, or gas deliveries; or

(2) An unanticipated or unexplained flow rate change, pressure change, equipment function, or other pipeline instrumentation indication at the upstream or downstream station that may be representative of an event meeting paragraph (a)(1) of this section; or

(3) Any unanticipated or unexplained rapid release of a large volume of gas, a fire, or an explosion in the immediate vicinity of the pipeline.

(b) A notification of potential rupture occurs when an operator first receives notice of or observes an event specified in paragraph (a) of this section.

■ 11. Section 192.636 is added to read as follows:

§ 192.636 Transmission lines: Response to a rupture; capabilities of rupture-mitigation valves (RMVs) or alternative equivalent technologies.

(a) *Scope.* The requirements in this section apply to rupture-mitigation valves (RMVs), as defined in § 192.3, or alternative equivalent technologies, installed pursuant to §§ 192.179(e), (f), and (g) and 192.634.

(b) *Rupture identification and valve shut-off time.* An operator must, as soon as practicable but within 30 minutes of rupture identification (*see* § 192.615(a)(12)), fully close any RMVs or alternative equivalent technologies necessary to minimize the volume of gas released from a pipeline and mitigate the consequences of a rupture.

(c) *Open valves.* An operator may leave an RMV or alternative equivalent technology open for more than 30 minutes, as required by paragraph (b) of this section, if the operator has previously established in its operating procedures and demonstrated within a notice submitted under § 192.18 for PHMSA review, that closing the RMV or alternative equivalent technology would be detrimental to public safety. The request must have been coordinated with appropriate local emergency responders, and the operator and emergency responders must determine that it is safe to leave the valve open. Operators must have written procedures for determining whether to leave an RMV or alternative equivalent technology open, including plans to communicate with local emergency responders and minimize environmental impacts, which must be submitted as part of its notification to PHMSA.

(d) *Valve monitoring and operation capabilities.* An RMV, as defined in § 192.3, or alternative equivalent technology, must be capable of being monitored or controlled either remotely or by on-site personnel as follows:

(1) Operated during normal, abnormal, and emergency operating conditions;

(2) Monitored for valve status (*i.e.,* open, closed, or partial closed/open), upstream pressure, and downstream pressure. For automatic shut-off valves (ASV), an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or gas flow rate within each pipeline segment located between RMVs or alternative equivalent technologies to identify and locate a rupture. Pipeline segments that use manual valves or other alternative equivalent technologies must have the capability to monitor pressures or gas flow rates on the pipeline to identify and locate a rupture; and

(3) Have a back-up power source to maintain SCADA systems or other remote communications for remote-control valve (RCV) or automatic shut-off valve (ASV) operational status, or be monitored and controlled by on-site personnel.

(e) *Monitoring of valve shut-off response status.* The position and operational status of an RMV must be appropriately monitored through electronic communication with remote instrumentation or other equivalent means. An operator does not need to monitor remotely an ASV's status if the operator has the capability to monitor pressures or gas flow rate on the pipeline to identify and locate a rupture.

(f) *Flow modeling for automatic shut-off valves.* Prior to using an ASV as an RMV, an operator must conduct flow modeling for the shut-off segment and any laterals that feed the shut-off segment, so that the valve will close within 30 minutes or less following rupture identification, consistent with the operator's procedures, and in accordance with § 192.3 and this section. The flow modeling must

include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions that may be encountered during the year, not exceeding a period of 15 months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or gas receipt tie-ins. If operating conditions change that could affect the ASV set pressures and the 30-minute valve closure time after notification of potential rupture, as defined at § 192.3, an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with § 192.745. The flow model must include a time/pressure chart for the segment containing the ASV if a rupture occurs. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could render the 30-minute valve closure time unachievable.

(g) *Manual valves in non-HCA, Class 1 locations.* For pipeline segments in a Class 1 location that do not meet the definition of a high consequence area (HCA), an operator submitting a notification pursuant to §§ 192.18 and 192.179 for use of manual valves as an alternative equivalent technology may also request an exemption from the requirements of § 192.636(b).

■ 12. In § 192.745, paragraphs (c) through (f) are added to read as follows:

§ 192.745 Valve maintenance: Transmission lines.

* * * * *

(c) For each remote-control valve (RCV) installed in accordance with § 192.179 or § 192.634, an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with § 192.631(c) and (e).

(d) For each alternative equivalent technology installed on an onshore pipeline under § 192.179(e) or (f) or § 192.634 that is manually or locally operated (*i.e.,* not a rupture-mitigation valve (RMV), as that term is defined in § 192.3):

(1) Operators must achieve a valve closure time of 30 minutes or less, pursuant to § 192.636(b), through an initial drill and through periodic validation as required in paragraph (d)(2) of this section. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification.

(2) Within each pipeline system and within each operating or maintenance field work unit, operators must randomly select a valve serving as an alternative equivalent technology in lieu of an RMV for an annual 30-minute-total response time validation drill that simulates worst-case conditions for that location to ensure compliance with § 192.636. Operators are not required to close the valve fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance with drill requirements unless the operator has operational information that requires an additional closure percentage for maintaining reliability. The response drill must occur at least once each calendar year, with intervals not to exceed 15 months. Operators must include in their written procedures the method they use to randomly select which alternative equivalent technology is tested in accordance with this paragraph.

(3) If the 30-minute-maximum response time cannot be achieved during the drill, the operator must revise response efforts to achieve compliance with § 192.636 as soon as practicable but no later than 12 months after the drill. Alternative valve shut-off measures must be in place in accordance with paragraph (e) of this section within 7 days of a failed drill.

(4) Based on the results of response-time drills, the operator must include lessons learned in:

(i) Training and qualifications programs;

(ii) Design, construction, testing, maintenance, operating, and emergency procedures manuals; and

(iii) Any other areas identified by the operator as needing improvement.

(5) The requirements of this paragraph (d) do not apply to manual valves who, pursuant to § 192.636(g), have been exempted from the requirements of § 192.636(b).

(e) Each operator must develop and implement remedial measures to correct any valve installed on an onshore pipeline under § 192.179(e) or (f) or § 192.634 that is indicated to be inoperable or unable to maintain effective shut-off as follows:

(1) Repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain effective shut-off. An operator must request an extension from PHMSA in accordance with § 192.18 if repair or replacement of a valve within 12 months would be economically, technically, or operationally infeasible; and

(2) Designate an alternative valve acting as an RMV within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Such valves are not required to comply with the valve spacing requirements of this part.

(f) An operator using an ASV as an RMV, in accordance with §§ 192.3, 192.179, 192.634, and 192.636, must document and confirm the ASV shut-in pressures, in accordance with § 192.636(f), on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required, on a calendar year basis not to exceed 15 months.

■ 13. In § 192.935, paragraph (c) is revised and paragraph (f) is added to read as follows:

§ 192.935 What additional preventive and mitigative measures must an operator take?

* * * * *

(c) *Risk analysis for gas releases and protection against ruptures.* If an operator determines, based on a risk analysis, that a rupture-mitigation valve (RMV) or alternative equivalent technology would be an efficient means of adding protection to a high-consequence area (HCA) in the event of a gas release, an operator must install the RMV or alternative equivalent technology. In making that determination, an operator must, at least, evaluate the following factors—timing of leak detection and pipe shutdown capabilities, the type of gas being transported, operating pressure, the rate of potential release, pipeline profile, the potential for ignition, and location of nearest response personnel. An RMV or alternative equivalent technology installed under this paragraph must meet all of the other applicable requirements in this part.

* * * * *

(f) *Periodic evaluations.* Risk analyses and assessments conducted under paragraph (c) of this section must be reviewed by the operator and certified by a senior executive of the company, for operational matters that could affect rupture-mitigation processes and procedures. Review and certification must occur once per calendar year, with the period between reviews not to exceed 15 months, and must also occur within 3 months of an incident or safety-related condition, as those terms are defined at §§ 191.3 and 191.23, respectively.

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 14. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et. seq.,* and 49 CFR 1.97.

■ 15. In § 195.2, definitions for ''entirely replaced onshore hazardous liquid or carbon dioxide line segments'', ''notification of potential rupture'', and ''rupture-mitigation valve'' are added in alphabetical order to read as follows:

§ 195.2 Definitions.

* * * * *

Entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, for the purposes of §§ 195.258, 195.260, and 195.418, means where 2 or more miles of pipe, in the aggregate, have been replaced within any 5 contiguous miles within any 24-month period.

* * * * *

Notification of Potential Rupture means the notification to, or observation by, an operator of indicia identified in § 195.417 of a potential unintentional or uncontrolled release of a large volume of commodity from a pipeline.

* * * * *

Rupture-mitigation valve (RMV) means an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of hazardous liquid or carbon dioxide released from the pipeline and to mitigate the consequences of a rupture.

* * * * *

■ 16. In § 195.11, paragraph (b)(2) is revised to read as follows:

§ 195.11 What is a regulated rural gathering line and what requirements apply?

* * * * *

(b) * * *

(2) For steel pipelines contracted, replaced, relocated, or otherwise changed after July 3, 2009:

(i) Design, install, construct, initially inspect, and initially test the pipeline in compliance with this part, unless the pipeline is converted under § 195.5.

(ii) Except for pipelines subject to § 195.260(e), such pipelines are not subject to the rupture-mitigation valve (RMV) and alternative equivalent technology requirements in §§ 195.258(c) and (d), 195.418, and 195.419.

* * * * *

■ 17. Section 195.18 is added to read as follows:

§ 195.18 How to notify PHMSA.

(a) An operator must provide any notification required by this part by:

(1) Sending the notification by electronic mail to *InformationResources Manager@dot.gov;* or

(2) Sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22–321, 1200 New Jersey Ave. SE, Washington, DC 20590.

(b) An operator must also notify the appropriate State or local pipeline safety authority when an applicable pipeline segment is located in a State where OPS has an interstate agent agreement, or an intrastate pipeline segment is regulated by that State.

(c) Unless otherwise specified, if an operator submits, pursuant to § 195.258, § 195.260, § 195.418, § 195.419, § 195.420 or § 195.452 a notification requesting use of a different integrity assessment method, analytical method, sampling approach, compliance timeline, or technique (*e.g.,* ''other technology'' or ''alternative equivalent technology'') than otherwise prescribed in those sections, that notification must be submitted to PHMSA for review at least 90 days in advance of using that other method, approach, compliance timeline, or technique. An operator may proceed to use the other method, approach, compliance timeline, or technique 91 days after submittal of the notification unless it receives a letter from the Associate Administrator of Pipeline Safety informing the operator that PHMSA objects to the proposal, or that PHMSA requires additional time and/or information to conduct its review.

■ 18. In § 195.258, paragraphs (c) through (e) are added to read as follows:

§ 195.258 Valves: General.

* * * * *

(c) For all onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section and § 195.260. An operator using alternative equivalent technology must notify PHMSA in accordance with the procedure in paragraph (e) of this section. All RMVs and alternative equivalent technology installed as required by this section must meet the requirements of § 195.419. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that those installation deadline requirements would be economically, technically, or operationally infeasible for a particular new pipeline.

(d) For all entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that have been replaced after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section. An operator using alternative equivalent technology must notify PHMSA in accordance with the procedure in paragraph (e) of this section. All valves installed as required by this section must meet the requirements of § 195.419. The requirements of this paragraph (d) apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that those installation deadline requirements would be economically, technically, or operationally infeasible for a particular pipeline replacement project.

(e) If an operator elects to use alternative equivalent technology in accordance with paragraph (c) or (d) of this section, the operator must notify PHMSA in accordance with § 195.18. The operator must include a technical and safety evaluation in its notice to PHMSA. Valves that are installed as alternative equivalent technology must comply with §§ 195.418, 195.419, and 195.420. An operator requesting use of manual valves as an alternative equivalent technology must also include within the notification submitted to PHMSA a demonstration that installation of an RMV as otherwise required would be economically, technically, or operationally infeasible. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology. Such a valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with § 195.18, but it must comply with §§ 195.419 and 195.420.

■ 19. Section 195.260 is revised to read as follows:

§ 195.260 Valves: Location.

A valve must be installed at each of the following locations:

(a) On the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency.

(b) On each pipeline entering or leaving a breakout storage tank area in a manner that permits isolation of the tank from other facilities.

(c) On each pipeline at locations along the pipeline system that will minimize or prevent safety risks, property damage, or environmental harm from accidental hazardous liquid or carbon dioxide discharges, as appropriate for onshore areas, offshore areas, and high-consequence areas (HCA). For newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as that term is defined at § 195.2, that are installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, as defined in § 195.450, and 20 miles for pipeline segments that could not affect HCAs. Valves on pipeline segments that are located in HCAs or which could affect HCAs must be installed at locations as determined by the operator's process for identifying preventive and mitigative measures established pursuant to § 195.452(i) and by using the selection process in section I.B of appendix C of part 195, but with a maximum distance that does not exceed 7½ miles from the endpoints of the HCA segment or the segment that could affect an HCA. An operator may request an exemption from the compliance deadline requirements of this section for valve installation at the specified valve spacing if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that those compliance deadline requirements would be economically, technically, or operationally infeasible.

(d) On each lateral takeoff from a pipeline in a manner that permits shutting off the lateral without interrupting flow in the pipeline.

(e) On each side of one or more adjacent water crossings that are more than 100 feet (30 meters) wide from high water mark to high water mark, as follows:

(1) Valves must be installed at locations outside of the 100-year flood plain or be equipped with actuators or other control equipment that is installed so as not to be impacted by flood conditions; and

(2) The maximum spacing interval between valves that protect multiple adjacent water crossings cannot exceed 1 mile in length.

(f) On each side of a reservoir holding water for human consumption.

(g) On each highly volatile liquid (HVL) pipeline that is located in a high-population area or other populated area, as defined in § 195.450, and that is constructed, or where 2 or more miles of pipe have been replaced within any 5 contiguous miles within any 24-month period, after April 10, 2023, with a maximum valve spacing of 7½ miles. The maximum valve spacing intervals may be increased by 1.25 times the distance up to a 9 ⅜-mile spacing, provided the operator:

(1) Submits for PHMSA review a notification pursuant to § 195.18 requesting alternative spacing because installation of a valve at a particular location between a 7-mile to a 7½-mile spacing would be economically, technically, or operationally infeasible, and that an alternative spacing would not adversely impact safety; and

(2) Keeps the records necessary to support that determination for the useful life of the pipeline.

(h) An operator may submit for PHMSA review, in accordance with § 195.18, a notification requesting site-specific exemption from the valve installation requirements or valve spacing requirements of paragraph (c), (e), or (f) of this section and demonstrating such exemption would not adversely affect safety. An operator may also submit for PHMSA review, in accordance with § 195.18, a notification requesting an extension of the compliance deadline requirements for valve installation and spacing of this section because those compliance deadline requirements would be economically, technically, or operationally infeasible for a particular new construction or pipeline replacement project.

■ 20. In § 195.402, paragraphs (c)(4), (5), and (12) and (e)(1), (4), (7), and (10) are revised to read as follows:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

* * * * *

(c) * * *

(4) Determining which pipeline facilities are in areas that would require an immediate response by the operator to prevent hazards to the public, property, or the environment if the facilities failed or malfunctioned, including segments that could affect high-consequence areas (HCA) or are in HCAs, and valves specified in § 195.418 or § 195.452(i)(4).

(5) Investigating and analyzing pipeline accidents and failures, including sending the failed pipe, component, or equipment for laboratory testing or examination where appropriate, to determine the cause(s) and contributing factors of the failure and to minimize the possibility of a recurrence.

(i) *Post-failure and -accident lessons learned.* Each operator must develop, implement, and incorporate lessons learned from a post-failure and accident review into its written procedures, including in pertinent operator personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications.

(ii) *Analysis of rupture and valve shut-offs; preventive and mitigative measures.* If a failure or accident on an onshore hazardous liquid or carbon dioxide pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in § 195.2, or the closure of an alternative equivalent technology, the operator of the pipeline must also conduct a post-failure or -accident analysis of all of the factors that may have impacted the release volume and the consequences of the release and identify and implement operations and maintenance measures to minimize the consequences of a future failure or incident. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following:

(A) Detection, identification, operational response, system shut-off, and emergency-response communications, based on the type and volume of the release or failure event;

(B) Appropriateness and effectiveness of procedures and pipeline systems, including supervisory control and data acquisition (SCADA), communications, valve shut-off, and operator personnel;

(C) Actual response time from identifying a rupture following a notification of potential rupture, as defined at § 195.2, to initiation of mitigative actions and isolation of the segment, and the appropriateness and effectiveness of the mitigative actions taken;

(D) Location and timeliness of actuation of all RMVs or alternative equivalent technologies; and

(E) All other factors the operator deems appropriate.

(iii) *Rupture post-failure and accident summary.* If a failure or accident on an onshore hazardous liquid or carbon dioxide pipeline involves the identification of a rupture following a notification of potential rupture; the closure of an RMV, as those terms are defined in § 195.2; or the closure of an

alternative equivalent technology, the operator must complete a summary of the post-failure or -accident review required by paragraph (c)(5)(ii) of this section within 90 days of the failure or accident. While the investigation is pending, the operator must conduct quarterly status reviews until the investigation is completed and a final post-failure or -accident review is prepared. The final post-failure or -accident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the operator's appropriate senior executive officer. An operator must keep, for the useful life of the pipeline, the final post-failure or -accident summary, all investigation and analysis documents used to prepare it, and records of lessons learned.

* * * * *

(12) Establishing and maintaining adequate means of communication with the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials. Operators must determine the responsibilities, resources, jurisdictional area(s), and emergency contact telephone numbers for both local and out-of-area calls of each Federal, State, and local government organization that may respond to a pipeline emergency, and inform the officials about the operator's ability to respond to the pipeline emergency and means of communication during emergencies. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity.

* * * * *

(e) * * *

(1) Receiving, identifying, and classifying notices of events that need immediate response by the operator or notice to the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other appropriate public officials, and communicating this information to appropriate operator personnel for prompt corrective action. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9–1–1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity.

* * * * *

(4) Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, or pressure reduction, in any section of the operator's pipeline system, to minimize hazards of released hazardous liquid or carbon dioxide to life, property, or the environment. Each operator must also develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture, as defined in § 195.2, is an actual rupture event or non-rupture event. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture, as defined at § 195.2. For operators installing valves in accordance with § 195.258(c), § 195.258(d), or that are subject to the requirements in § 195.418, those procedures should provide for rupture identification as soon as practicable.

* * * * *

(7) Notifying the appropriate public safety answering point (*i.e.,* 9–1–1 emergency call center), where direct access to a 9–1–1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials, of hazardous liquid or carbon dioxide pipeline emergencies to coordinate and share information to determine the location of the release, including both planned responses and actual responses during an emergency, and any additional precautions necessary for an emergency involving a pipeline transporting a highly volatile liquid (HVL). The operator must immediately and directly notify the appropriate public safety answering point or other coordinating agency for the communities and jurisdiction(s) in which the pipeline is located after notification of potential rupture, as defined at § 195.2, has occurred to coordinate and share information to determine the location of the release, regardless of whether the segment is subject to the requirements of § 195.258 (c) or (d), § 195.418, or § 195.419.

* * * * *

(10) Actions required to be taken by a controller during an emergency, in accordance with the operator's emergency plans and §§ 195.418 and 195.446.

* * * * *

■ 21. Section 195.417 is added to read as follows:

§ 195.417 Notification of potential rupture.

(a) As used in this part, a notification of potential rupture means refers to the notification to, or observation by, an operator (*e.g.,* by or to its controller(s) in a control room, field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities) of one or more of the below indicia of a potential unintentional or uncontrolled release of a large volume of hazardous liquids from a pipeline:

(1) An unanticipated or unexplained pressure loss outside of the pipeline's normal operating pressures, as defined in the operator's written procedures. The operator must establish in its written procedures that an unanticipated or unplanned pressure loss is outside of the pipeline's normal operating pressures when there is a pressure loss greater than 10 percent occurring within a time interval of 15 minutes or less, unless the operator has documented in its written procedures the operational need for a greater pressure-change threshold due to pipeline flow dynamics (including changes in operating pressure, flow rate, or volume), that are caused by fluctuations in product demand, receipts, or deliveries;

(2) An unanticipated or unexplained flow rate change, pressure change, equipment function, or other pipeline instrumentation indication at the upstream or downstream station that may be representative of an event meeting paragraph (a)(1) of this section; or

(3) Any unanticipated or unexplained rapid release of a large volume of hazardous liquid, a fire, or an explosion, in the immediate vicinity of the pipeline.

(b) A notification of potential rupture occurs when an operator first receives notice of or observes an event specified in paragraph (a) of this section.

■ 22. Section 195.418 is added to read as follows:

§ 195.418 Valves: Onshore valve shut-off for rupture mitigation.

(a) *Applicability.* For newly constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined at § 195.2, with diameters of 6 inches or greater that could affect high-consequence areas or are located in high consequence areas (HCA), and that have been installed after April 10, 2023, an operator must install or use existing rupture-mitigation valves (RMV), as defined at § 195.2, or alternative equivalent technologies according to the requirements of this section and § 195.419. RMVs and alternative

equivalent technologies must be operational within 14 days of placing the new or replaced pipeline segment in service. An operator may request an extension of this 14-day operation requirement if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this section apply to all applicable pipe replacements, even those that do not otherwise directly involve the addition or replacement of a valve.

(b) *Maximum spacing between valves.* RMVs and alternative equivalent technology must be installed in accordance with the following requirements:

(1) *Shut-off Segment.* For purposes of this section, a ''shut-off segment'' means the segment of pipeline located between the upstream valve closest to the upstream endpoint of the replaced pipeline segment in the HCA or the pipeline segment that could affect an HCA and the downstream valve closest to the downstream endpoint of the replaced pipeline segment of the HCA or the pipeline segment that could affect an HCA so that the entirety of the segment that could affect the HCA or the segment within the HCA is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for commodity receipts or deliveries connects to the replaced segment between the upstream and downstream valves, the shut-off segment also extends to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for commodity to be transported to the rupture site (except for residual liquids already in the shut-off segment). Multiple segments that could affect HCAs or are in HCAs may be contained within a single shut-off segment. All entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined in § 195.2, that could affect or are in an HCA must include a minimum of one valve that meets the requirements of this section and section 195.419. The operator is not required to select the closest valve to the shut-off segment as the RMV or alternative equivalent technology. An operator may use a manual pump station valve at a continuously manned station as an alternative equivalent technology. Such a manual valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with § 195.18.

(2) *Shut-off segment valve spacing.* Pipeline segments subject to paragraph (a) of this section must be protected on the upstream and downstream side with RMVs or alternative equivalent technologies. The distance between RMVs or alternative equivalent technologies must not exceed:

(i) For pipeline segments carrying non-highly volatile liquids (HVL): 15 miles, with a maximum distance not to exceed 7½ miles from the endpoints of a shut-off segment: or

(ii) For pipeline segments carrying HVLs: 7½ miles. The maximum valve spacing intervals for these valves may be increased by 1.25 times the spacing distance, up to a 9⅜-mile spacing at an endpoint, provided the operator notify PHMSA in accordance with § 195.260 (g).

(3) *Laterals.* Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of these laterals contributing hazardous liquid volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment volume, based upon maximum flow volume at the operating pressure. A check valve may be used as an alternative equivalent technology where it is positioned to stop flow into the lateral. Check valves used as an alternative equivalent technology in accordance with this paragraph are not subject to § 195.419 but must be inspected, operated, and remediated in accordance with § 195.420, including for closure and leakage, to ensure operational reliability. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with § 195.18.

(4) *Crossovers.* An operator may use a manual valve as an alternative equivalent technology for a crossover connection if, during normal operations, the valve is closed to prevent the flow of hazardous liquid or carbon dioxide with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of hazardous liquid or carbon dioxide. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with § 195.18.

(c) *Manual operation upon identification of a rupture.* Operators using a manual valve as an alternative equivalent technology pursuant to paragraph (a) of this section must develop and implement operating procedures and appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this section and § 195.419. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to manually shut off all valves, not to exceed the response time in § 195.419(b).

■ 23. Section 195.419 is added to read as follows:

§ 195.419 Valve capabilities.

(a) *Scope.* The requirements in this section apply to rupture-mitigation valves (RMV), as defined in § 195.2, or alternative equivalent technology, installed pursuant to §§ 195.258 and 195.418.

(b) *Rupture identification and valve shut-off time.* If an operator observes or is notified of a release of hazardous liquid or carbon dioxide that may be representative of an unintentional or uncontrolled release event meeting a notification of potential rupture (*see* §§ 195.2 and 195.417), including any unexplained flow rate changes, pressure changes, equipment functions, or other pipeline instrumentation indications observed by the operator, the operator must, as soon as practicable but within 30 minutes of rupture identification (*see* § 195.402(e)(4)), identify the rupture and fully close any RMVs or alternative equivalent technologies necessary to minimize the volume of hazardous liquid or carbon dioxide released from a pipeline and mitigate the consequences of a rupture.

(c) *Valve shut-off capability.* A valve must have the actuation capability necessary to close an RMV or alternative equivalent technology to mitigate the consequences of a rupture in accordance with the requirements of this section.

(d) *Valve monitoring and operational capabilities.* An RMV, as defined in § 195.2, or alternative equivalent technology, must be capable of being monitored or controlled by either remote or onsite personnel as follows:

(1) Operated during normal, abnormal, and emergency operating conditions;

(2) Monitored for valve status (*i.e.,* open, closed, or partial closed/open), upstream pressure, and downstream pressure. For automatic shut-off valves

(ASV), an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or flow rate within each pipeline segment located between RMVs or alternative equivalent technologies to identify and locate a rupture. Pipeline segments that use an alternative equivalent technology must have the capability to monitor pressures and hazardous liquid or carbon dioxide flow rates on the pipeline in order to identify and locate a rupture; and

(3) Have a back-up power source to maintain supervisory control and data acquisition (SCADA) systems or other remote communications for remote-control valve (RCV) or ASV operational status or be monitored and controlled by on-site personnel.

(e) *Monitoring of valve shut-off response status.* The position and operational status of an RMV must be appropriately monitored through electronic communication with remote instrumentation or other equivalent means. An operator does not need to monitor remotely an ASV's status if the operator has the capability to monitor pressures or hazardous liquid or carbon dioxide s flow rate on the pipeline to identify and locate a rupture.

(f) *Flow modeling for automatic shut-off valves.* Prior to using an ASV as an RMV, the operator must conduct flow modeling for the shut-off segment and any laterals that feed the shut-off segment, so that the valve will close within 30 minutes or less following rupture identification, consistent with the operator's procedures, and in accordance with § 195.2 and this section. The flow modeling must include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions that may be encountered during the year, not to exceed a period of 15 months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or hazardous liquid or carbon dioxide receipt tie-ins. If operating conditions change that could affect the ASV set pressures and the 30-minute valve closure time following a notification of potential rupture, as defined at § 195.2, an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with § 195.420. The flow model must include a time/pressure chart for the segment containing the ASV if a rupture event occurs. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could render the 30-minute valve closure time unachievable.

(g) *Pipelines not affecting HCAs.* For pipeline segments that are not in a high-consequence area (HCA) or that could not affect an HCA, an operator submitting a notification pursuant to §§ 195.18 and 195.258 for use of manual valves as an alternative equivalent technology may also request an exemption from the valve operation requirements of § 195.419(b).

■ 24. In § 195.420, paragraph (b) is revised and paragraphs (d) through (g) are added to read as follows:

§ 195.420 Valve maintenance.

* * * * *

(b) Each operator must, at least twice each calendar year, but at intervals not exceeding 7½ months, inspect each valve to determine that it is functioning properly. Each rupture-mitigation valve (RMV), as defined in § 195.2, or alternative equivalent technology that is installed under § 195.258(c) or § 195.418, must also be partially operated. Operators are not required to close the valve fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance, unless the operator has operational information that requires an additional closure percentage for maintaining reliability.

* * * * *

(d) For each remote-control valve (RCV) installed in accordance with § 195.258(c) or § 195.418, an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with § 195.446(c) and (e).

(e) For each alternative equivalent technology installed under § 195.258(c) or (d) or § 195.418(a) that is manually or locally operated (*i.e.,* not an RMV, as that term is defined in § 195.2):

(1) Operators must achieve a response time of 30 minutes or less, as required by § 195.419(b), through an initial drill and through periodic validation as required by paragraph (e)(2) of this section. An operator must review each phase of the drill response and document the results to validate the total response time, including the identification of a rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification.

(2) Within each pipeline system, and within each operating or maintenance field work unit, operators must randomly select an authorized rupture-mitigation alternative equivalent technology for an annual 30-minute-total response time validation drill simulating worst-case conditions for that location to ensure compliance with § 195.419. Operators are not required to close the alternative equivalent technology fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance with the drill requirements unless the operator has operational information that requires an additional closure percentage for maintaining reliability. The response drill must occur at least once each calendar year, at intervals not to exceed 15 months. Operators must include in their written procedures the method they use to randomly select which alternative equivalent technology is tested in accordance with this paragraph.

(3) If the 30-minute-maximum response time cannot be achieved in the drill, the operator must revise response efforts to achieve compliance with § 195.419 no later than 12 months after the drill. Alternative valve shut-off measures must be in accordance with paragraph (f) of this section within 7 days of the drill.

(4) Based on the results of the response-time drills, the operator must include lessons learned in:

(i) Training and qualifications programs;

(ii) Design, construction, testing, maintenance, operating, and emergency procedures manuals; and

(iii) Any other areas identified by the operator as needing improvement.

(f) Each operator must implement remedial measures as follows to correct any valve installed on an onshore pipeline in accordance with § 195.258(c), or an RMV or alternative equivalent technology installed in accordance with § 195.418, that is indicated to be inoperable or unable to maintain effective shut-off:

(1) Repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain shut-off. An operator may request an extension of the compliance deadline requirements of this section if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that repairing or replacing a valve within 12 months would be economically, technically, or operationally infeasible; and

(2) Designate an alternative compliant valve within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Alternative compliant valves are not required to

comply with valve spacing requirements of this part.

(g) An operator using an ASV as an RMV, in accordance with §§ 195.2, 195.260, 195.418, and 195.419, must document, in accordance with § 195.419(f), and confirm the ASV shut-in pressures on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required by § 195.419(f), at least each calendar year, but at intervals not to exceed 15 months.

■ 25. In § 195.452, paragraph (i)(4) is revised to read as follows:

§ 195.452 Pipeline integrity management in high consequence areas.

* * * * *

(i) * * *

(4) *Emergency Flow Restricting Devices (EFRD).* If an operator determines that an EFRD is needed on a pipeline segment that is located in, or which could affect, a high-consequence area (HCA) in the event of a hazardous liquid pipeline release, an operator must install the EFRD. In making this determination, an operator must, at least, evaluate the following factors—the swiftness of leak detection and pipeline shutdown capabilities, the type of commodity carried, the rate of potential leakage, the volume that can be released, topography or pipeline profile, the potential for ignition, proximity to power sources, location of nearest response personnel, specific terrain within the HCA or between the pipeline segment and the HCA it could affect, and benefits expected by reducing the spill size. An RMV installed under this paragraph must meet all of the other applicable requirements in this part.

(i) Where EFRDs are installed on pipeline segments in HCAs and that could affect HCAs with diameters of 6 inches or greater and that are placed into service or that have had 2 or more miles of pipe replaced within 5 contiguous miles within a 24-month period after April 10, 2023, the location, installation, actuation, operation, and maintenance of such EFRDs (including valve actuators, personnel response, operational control centers, supervisory control and data acquisition (SCADA), communications, and procedures) must meet the design, operation, testing, maintenance, and rupture-mitigation requirements of §§ 195.258, 195.260, 195.402, 195.418, 195.419, and 195.420.

(ii) The EFRD analysis and assessments specified in this paragraph (i)(4) must be completed prior to placing into service all onshore pipelines with diameters of 6 inches or greater and that are constructed or that have had 2 or more miles of pipe within any 5 contiguous miles within any 24-month period replaced after April 10, 2023. Implementation of EFRD findings for RMVs must meet § 195.418.

(iii) An operator may request an exemption from the compliance deadline requirements of this section if it can demonstrate to PHMSA, in accordance with the notification procedures in § 195.18, that installing an EFRD by that compliance deadline would be economically, technically, or operationally infeasible.

* * * * *

Issued in Washington, DC, on March 31, 2022, under authority delegated in 49 CFR 1.97.

Tristan H. Brown,

Deputy Administrator.

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Part III

The President

Memorandum of April 5, 2022—Addressing the Long-Term Effects of COVID–19

Executive Order 14071—Prohibiting New Investment in and Certain Services to the Russian Federation in Response to Continued Russian Federation Aggression

Federal Register
Vol. 87, No. 68
Friday, April 8, 2022

Presidential Documents

Title 3—

The President

Memorandum of April 5, 2022

Addressing the Long-Term Effects of COVID–19

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* My Administration has made combating the coronavirus disease 2019 (COVID–19) pandemic, and guiding the Nation through the worst public health crisis in more than a century, our top priority. When I came into office, COVID–19 was wreaking havoc on our country—closing our businesses, keeping our kids out of school, and forcing us into isolation. Today, America has the tools to protect against COVID–19 and to dramatically decrease its risks. We move towards a future in which COVID–19 does not disrupt our daily lives and is something we prevent, protect against, and treat.

As we chart the path forward, we remember the more than 950,000 people in the United States lost to COVID–19. They were beloved parents, grandparents, children, siblings, spouses, neighbors, and friends. More than 200,000 children in the United States have lost a parent or caregiver to the disease. Each soul is irreplaceable, and the families and communities left behind are still reeling from profound loss. Many families and communities have already received support from Federal programs that help with the loss they have experienced. As we move forward, we commit to ensuring that families and communities can access these support programs and connect to resources they may need to help with their healing, health, and well-being.

At the same time, many of our family members, neighbors, and friends continue to experience negative long-term effects of COVID–19. Many individuals report debilitating, long-lasting effects of having been infected with COVID–19, often called ''long COVID.'' These symptoms can happen to anyone who has had COVID–19—including individuals across ages, races, genders, and ethnicities; individuals with or without disabilities; individuals with or without underlying health conditions; and individuals whether or not they had initial symptoms. Individuals experiencing long COVID report experiencing new or recurrent symptoms, which can include anxiety and depression, fatigue, shortness of breath, difficulty concentrating, heart palpitations, disordered sleep, chest and joint pain, headaches, and other symptoms. These symptoms can persist long after the acute COVID–19 infection has resolved. Even young people and otherwise healthy people have reported long COVID symptoms that last for many months. These symptoms may be affecting individuals' ability to work, conduct daily activities, engage in educational activities, and participate in their communities. Our world-class research and public health organizations have begun the difficult work of understanding these new conditions, their causes, and potential prevention and treatment options. Our health care and support programs are working to help meet the needs of individuals experiencing the lasting effects of COVID–19. To organize the Federal Government's response, executive departments and agencies (agencies) must work together to use the expertise, resources, and benefit programs of the Federal Government to ensure that we are accelerating scientific progress and providing individuals with the support and services they need.

In addition, the American public is grappling with a mental health crisis exacerbated by the pandemic. Too many have felt the effects of social isolation, sickness, economic insecurity, increased caregiver burdens, and grief. My Administration has made significant investments in mental health as well as substance use disorder prevention, treatment, and recovery support for the American public, including by expanding access to community-based behavioral health services. We are committed to advancing these behavioral health efforts in order to better identify the effects of the pandemic on mental health, substance use, and well-being, and to take steps to address these effects for the people we serve.

Our Nation can continue to protect the public—and spare countless families from the deepest pain imaginable—if everybody does their part. Today, we have numerous tools to protect ourselves and our loved ones from COVID–19—from vaccines to tests, treatments, masks, and more. My Administration recognizes the toll of this pandemic on the American public and commits to redoubling our efforts to support the American people in addressing the long-term effects of COVID–19 on their lives and on society.

Sec. 2. *Organizing the Government-Wide Response to the Long-Term Effects of COVID–19.* (a) The Secretary of Health and Human Services (Secretary) shall coordinate the Government-wide response to the long-term effects of COVID–19. My Administration will harness the full potential of the Federal Government, in coordination with public- and private-sector partners, to mount a full and effective response. The Secretary shall report on the coordination efforts to the Coordinator of the COVID–19 Response and Counselor to the President and to the Assistant to the President for Domestic Policy.

(b) The heads of agencies shall assist and provide information to the Secretary, consistent with applicable law, as may be necessary to carry out the Secretary's duties described in subsection (a) of this section.

(c) In performing the duties described in subsection (a) of this section, the Secretary shall seek information from relevant nongovernmental experts, organizations, and stakeholders, including individuals affected directly by the long-term effects of COVID–19. The Secretary shall consider using all available legal authorities, as appropriate and consistent with applicable law, to assist in gathering relevant information, including a waiver under 42 U.S.C. 247d(f).

Sec. 3. *Report on the Long-Term Effects of COVID–19.* The Secretary, supported within the Department of Health and Human Services by the Assistant Secretary for Health and the Assistant Secretary for Mental Health and Substance Use, shall publish a public report within 120 days of the date of this memorandum outlining services and mechanisms of support across agencies to assist the American public in the face of the far-reaching and long-term effects of COVID–19. The report shall outline Federal Government services to support individuals experiencing long COVID, individuals and families experiencing a loss due to COVID–19, and all those grappling with mental health and substance use issues in the wake of this pandemic. The report shall also specifically address the long-term effects of COVID–19 on underserved communities and efforts to address disparities in availability and adoption of services and support for such communities.

Sec. 4. *National Research Action Plan on Long COVID.* (a) Coordinated efforts across the public and private sectors are needed to advance progress in prevention, diagnosis, treatment, and provision of services for individuals experiencing long COVID. The Secretary, supported by the Assistant Secretary for Health and in collaboration with the Secretary of Defense, the Secretary of Labor, the Secretary of Energy, and the Secretary of Veterans Affairs, shall coordinate a Government-wide effort to develop the first-ever interagency national research agenda on long COVID, to be reflected in a National Research Action Plan. The National Research Action Plan will build on ongoing efforts across the Federal Government, including the landmark RECOVER Initiative implemented by the National Institutes of Health. The

Secretary shall release the jointly developed National Research Action Plan within 120 days of the date of this memorandum.

(b) The National Research Action Plan shall build upon existing research efforts and include strategies to:

(i) help measure and characterize long COVID in both children and adults, including with respect to its frequency, severity, duration, risk factors, and trends over time;

(ii) support the development of estimates on prevalence and incidence of long COVID disaggregated by demographic groups and symptoms;

(iii) better understand the epidemiology, course of illness, risk factors, and vaccine effectiveness in prevention of long COVID;

(iv) advance our understanding of the health and socioeconomic burdens on individuals affected by long COVID, including among different race and ethnicity groups, pregnant people, and those with underlying disabilities;

(v) foster development of new treatments and care models for long COVID based on a better understanding of the pathophysiological mechanisms of the SARS–CoV–2 virus;

(vi) inform decisions related to high-quality support, services, and interventions for long COVID;

(vii) improve data-sharing between agencies and academic and industry researchers about long COVID, to the extent permitted by law; and

(viii) specifically account for the pandemic's effect on underserved communities and rural populations.

Sec. 5. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

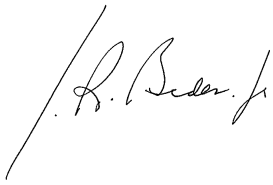
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, April 5, 2022

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Filed 4–7–22; 11:15 am]
Billing code 4150–42–P

Presidential Documents

Executive Order 14071 of April 6, 2022

Prohibiting New Investment in and Certain Services to the Russian Federation in Response to Continued Russian Federation Aggression

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021, expanded by Executive Order 14066 of March 8, 2022, and relied on for additional steps taken in Executive Order 14039 of August 20, 2021, and Executive Order 14068 of March 11, 2022, hereby order:

Section 1. (a) The following are prohibited:

(i) new investment in the Russian Federation by a United States person, wherever located;

(ii) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any category of services as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to any person located in the Russian Federation; and

(iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or license or permit granted prior to the date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations (including its specialized agencies, programs, funds, and related organizations) by employees, grantees, or contractors thereof.

Sec. 4. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''person'' means an individual or entity; and

(c) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All executive departments and agencies of the United States shall take all appropriate measures within their authority to implement this order.

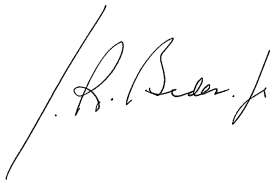
Sec. 6. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 6, 2022.

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