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Presidential Documents

Title 3—

The President

Proclamation 10376 of April 28, 2022

Law Day, U.S.A., 2022

By the President of the United States of America

A Proclamation

America is unique among the nations of the world because we were not built around any particular tribe, religion, or ethnicity—instead, we were built around an idea: that all people are created equally and deserve to be treated equally throughout their lives. Though we have never fully lived up to that idea, we have never walked away from it either. It is an idea that serves as the heart of American democracy, enshrined in our Constitution 235 years ago on a summer day in Philadelphia. To uphold those fundamental principles of equality, ''We the People'' would stand sovereign in America as stewards and subjects of the law—and ours would be, in the words of John Adams, ''a government of laws, and not of men.''

On Law Day, U.S.A., we recommit to extending the full promise of America to all Americans and to building a Nation in which the extraordinary power vested in ''We the People'' truly and equally reflects all of us. This year's Law Day theme, ''Toward a More Perfect Union: The Constitution in Times of Change,'' is a reflection of this critical moment of reckoning for our democracy. The impact of the COVID–19 pandemic on our communities has put a spotlight on lingering inequities that we must continue to address head on. Together, we must build a better America, anchored by the rule of law, to ensure that every one of us can live lives of limitless possibility. Amid unprecedented threats to democracy both here at home and across the globe, the world is watching America to see whether we can meet this moment.

The rule of law is the cornerstone for extending the Nation's full promise to all of our people, including those who were originally excluded when our country was founded. Since my first day in office, I have taken action to ensure that everyone—regardless of race, gender, sexual orientation, gender identity, ethnicity, religion, disability, income, or zip code—is ensured equal justice under the law and is entitled to an equal place in our democracy. My Administration continues to fight for voting rights legislation to protect that most sacred of rights from discriminatory and burdensome constraints, and continues to promote information about the election process and opportunities to register to vote.

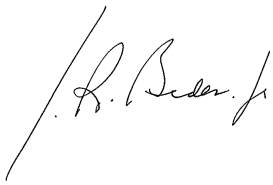
The ongoing fight to strengthen American democracy informs our ability to support similar efforts around the world—including the heroic resistance of the Ukrainian people in the unprovoked and unjustified war Russia has thrust upon them. Their fight is part of a larger fight for essential democratic principles that unite all free people: the rule of law; free and fair elections; the freedom to speak, to write, and to assemble; the freedom to worship as one chooses; and the freedom of the press. These principles are essential in a free society, and we are leading efforts to advance good governance, transparency, and accountability and root out the corruption that undermines democratic institutions both at home and abroad.

This is a commitment we must all share. The Robert F. Kennedy Department of Justice Building bears an inscription from Plato: ''Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens.'' Our hearts and souls are up to the task.

On this Law Day, U.S.A., I encourage my fellow Americans to join me in pursuing the path of inclusion and equity over exclusion and hate, so that we may continue to perfect our Union and pass on a stronger democracy for generations to come.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2022, as Law Day, U.S.A. I call upon all Americans to acknowledge the importance of our Nation's legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-sixth.



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Rules and Regulations

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. FAA–2021–0943; Special Conditions No. 27–057–SC]

Special Conditions: Robinson Helicopter Company Model R66 Helicopter; Pressure Refueling Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Robinson Helicopter Company (RHC) Model R66 helicopter. This helicopter will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for normal category helicopters. This design feature is a pressure refueling system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective June 2, 2022.

FOR FURTHER INFORMATION CONTACT: Monica Abboud, Propulsion Section, AIR–794, Los Angeles ACO Branch, Aircraft Certification Service, Federal Aviation Administration, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5223; email *monica.m.abboud@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2021, RHC applied for a change to Type Certificate No. R00015LA for the Model R66 helicopter. This change incorporates a pressure fueling system in the Model R66 helicopter. The RHC Model R66 helicopter, which is a derivative of the earlier models of the Model R66 helicopter currently approved under Type Certificate No. R00015LA, is a part 27 normal category helicopter. It is a single turbine engine helicopter with a four-passenger maximum passenger capacity and has a maximum gross weight, with no external load, of up to 2,700 pounds depending on the model configuration.

Type Certification Basis

Under the provisions of 14 CFR 21.101, RHC must show that the Model R66 helicopter, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. R00015LA or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 27) do not contain adequate or appropriate safety standards for the RHC Model R66 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the RHC Model R66 helicopter must comply with the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The RHC Model R66 helicopter will incorporate the following novel or unusual design feature:

A pressure refueling system, which will allow for optional pressure fueling.

Discussion

RHC will modify the Model R66 helicopter by incorporating a pressure refueling system that allows for optional pressure fueling from a fueling port on the right side of the fuselage and the existing gravity system via the fuel filler cap on top of the main fuel tank. This modification provides faster, easier, and safer refueling when the engines are running and rotors turning compared to the existing fueling system located on the top of the main fuel tank. The pressure refueling system includes a crash-resistant fuel hose that runs from the fueling port on the right side to an inlet at the top of the fuel tank on the helicopter's left side. The system does not accommodate defueling.

Part 27 does not contain requirements for pressure refueling for normal category helicopters. However, 14 CFR 29.979, amendment 29–12, effective February 1, 1977, provides these requirements for transport category helicopters. Accordingly, these special conditions are based on § 29.979 to provide requirements for the inclusion of the optional pressure refueling system on the Model R66 helicopters. Section CFR 29.979 includes standards for pressure refueling and fueling provisions below fuel level on transport category rotorcraft.

Section 29.979(a) is intended to prevent hazards to ground crew, flight crew, and occupants by reducing the probability of exposure to hazardous quantities of fuel resulting from spillage and ensuring the pressure refueling/defueling system is designed to prevent overfilling the fuel tank and to withstand an ultimate load overpressure event without failure.

Section 29.979(a) requires each fueling connection below the fuel level in each tank to have a means to prevent the escape of hazardous quantities of fuel from that tank in case of malfunction of the fuel entry valve.

Section 29.979(b) requires systems intended for pressure refueling to have a means in addition to the normal means for limiting the tank content to prevent damage to the tank in case of failure of the normal means.

Section 29.979(c) requires the rotorcraft pressure fueling system (not fuel tanks and fuel tank vents) to withstand an ultimate load that is 2.0 times the load arising from the maximum pressure, including surge,

that is likely to occur during fueling. The maximum surge pressure must be established with any combination of tank valves being either intentionally or inadvertently closed.

Section 29.979(d) requires the rotorcraft defueling system (not including fuel tanks and fuel tank vents) to withstand an ultimate load that is 2.0 times the load arising from the maximum permissible defueling pressure (positive or negative) at the rotorcraft fueling connection. The design by RHC does not include defueling capability.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 27–21–01–SC for the RHS Model R66 helicopter, which published in the **Federal Register** on February 4, 2022 (87 FR 6437). The FAA received two comments from individuals in support of these special conditions.

Applicability

As discussed above, these special conditions are applicable to the RHC Model R66 helicopter. Should RHC apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one model of helicopter. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

▪ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Robinson Helicopter Company Model R66 helicopters.

The pressure refueling system must be designed and installed as follows:

(a) Each fueling connection below the fuel level in each tank must have the means to prevent the escape of hazardous quantities of fuel from that tank in case of malfunction of the fuel entry valve.

(b) For systems intended for pressure refueling, a means in addition to the normal means for limiting the tank content must be installed to prevent damage to the fuel tank in case of failure of the normal means.

(c) The rotorcraft pressure fueling system (not fuel tanks and fuel tank vents) must withstand an ultimate load that is 2.0 times the load arising from maximum pressure, including a surge, that is likely to occur during fueling. The maximum surge pressure must be established with any combination of tank valves being either intentionally or inadvertently closed.

Issued in Kansas City, Missouri, on April 27, 2022.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2022–09425 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AR46

Inclusion of the Space Force as Part of the Armed Forces

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is issuing this final rule to amend its adjudication regulations to implement the mandates of section 926 of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021, which authorized VA to furnish benefits based on Space Force service.

DATES: *Effective Date:* This rule is effective May 3, 2022.

FOR FURTHER INFORMATION CONTACT: Jane Allen, Policy Analyst, Part 3 Regulations Staff (211), Compensation Service (21C), 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9602. (This is not a toll-free telephone number.) Robert Parks, Chief, Part 3 Regulations Staff (211), Compensation Service (21C), 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On December 20, 2019, Congress enacted the ''United States Space Force Act'' (USSFA), which established the ''United States Space Force as an armed force within the Department of the Air Force.'' USSFA, Public Law 116–92, sections 951–952, 133 Stat 1198, 1561–62 (2019). Subsequently, Congress expanded the definition of ''veteran'' and made other amendments to title 38 to require VA to furnish benefits and services on the basis of service in the Space Force. William M. (Mac) Thornberry NDAA for FY 2021, Public Law 116–283, section 926, 134 Stat. 3388, 3829 (2021). To implement these changes, VA is amending 38 CFR part 3 to add the words ''Space Force'' in various sections that list the branches of the U.S. Armed Forces and to add reference to ''space service'' in references to ''active military, naval, or air service.'' VA is also amending 38 CFR 3.1(g)(3) to add the USSF as operating under the direction of the Secretary of the Air Force.

Administrative Procedure Act

The Secretary of Veterans Affairs finds that there is good cause under the Administrative Procedure Act (APA) to publish this rule without prior opportunity for public comment and with an immediate effective date. Pursuant to 5 U.S.C. 553(b)(B), general notice and opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The Secretary finds that it is unnecessary to delay issuance of this rule for the purpose of soliciting prior public comment. Where Congress has left a gap in a statute for an agency to fill, requiring notice and comment rulemaking secures public input and '' 'promote[s] accountability among decisionmakers.' '' *Himes* v. *Sullivan,* 779 F. Supp. 258, 270 (W.D.N.Y. 1991) (quoting *Cal. Ass'n. of Bioanalysts* v. *Rank,* 577 F. Supp. 1342, 1348 (C.D. Cal. 1983)), *aff'd by* 956 F.2d 1159 (2d Cir. 1992). However, '' '[c]hanges mandated by a legislature have already gone through a public process, and, as a result, the objectives of the notice requirements . . . already have been satisfied in the legislative process.' '' *Id.* (quotation and citation omitted). This rulemaking presents the latter situation. By statute, Congress has required VA to furnish benefits on the basis of space service. VA does not have any discretion to deny benefits on the

basis that the claim is predicated on ''space service'' rather than ''military, naval, or air service.'' *See Cushman* v. *Shinseki,* 576 F.3d 1290, 1298 (Fed. Cir. 2009) (''Veteran's disability benefits are nondiscretionary, statutorily mandated benefits.''). VA's authority is limited to implementing the statutes as enacted by Congress. Therefore, additional public comment would be superfluous. *See Rank,* 577 F. Supp. at 1348. In addition, as this amendment solely identifies the USSF as a branch of the U.S. Armed Forces and expands regulatory references of ''active military, naval, or air service'' to include ''space service,'' there is little or no room for substantive changes to the rule based on public comment.

The APA also requires a 30-day delayed effective date, except for ''(1) a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d). For the reasons stated above, the Secretary finds that there is also good cause for this rule to be effective immediately upon publication. Any delay in implementation would be unnecessary for purposes of 5 U.S.C. 553(d)(3).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved this document on April 27, 2022, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 3 as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501, unless otherwise noted.

§ 3.1 [Amended]

■ 2. Amend § 3.1 as follows:
■ a. Add ''Space Force,'' after ''Air Force,'' in paragraphs (a) and (b);
■ b. Remove ''or air service'' and add in its place ''air, or space service'' in paragraph (d) introductory text;
■ c. Remove ''or air service'' and add in its place '', air, or space service'' in paragraph (d)(2);
■ d. Remove ''or air service'' and add in its place '', air, or space service'' in paragraph (e);
■ e. Add ''or the Space Force'' after ''concerning the Air Force'' in paragraph (g)(3);
■ f. Remove ''or air service'' and add in its place ''air, or space service'' in paragraph (h);
■ g. Remove ''or air service'' and add in its place ''air, or space service'' in paragraphs (k), (l), and (m) introductory text;
■ h. Remove ''or air service'' and add in its place '', air, or space service'' in paragraph (y) introductory text.

§ 3.3 [Amended]

■ 3. Amend § 3.3 by removing ''or air service'' each place it appears and adding in each place '', air, or space service'' in paragraphs (a)(3)(i) through (iv).

§ 3.6 [Amended]

■ 4. Amend § 3.6 by removing ''and air service'' and adding in its place ''air, or space service'' in the paragraph (a) heading.

§ 3.7 [Amended]

■ 5. Amend § 3.7 by removing ''or air service'' and adding in its place ''air, or space service'' in the section heading, the introductory text, and paragraph (o)(1)(i).

§ 3.12 [Amended]

■ 6. Amend § 3.12 by removing ''or air service'' and adding in its place '', air, or space service'' in paragraph (g)(2).

§ 3.13 [Amended]

■ 7. Amend § 3.13 by removing ''or air service'' and adding in its place '', air, or space service'' in paragraphs (c) introductory text and (c)(1).

§ 3.159 [Amended]

■ 8. Amend § 3.159 by removing ''or air service'' and adding in its place '', air, or space service'' in paragraph (c)(3).

§ 3.301 [Amended]

■ 9. Amend § 3.301 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (d).

§ 3.306 [Amended]

■ 10. Amend § 3.306 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (a).

§ 3.309 [Amended]

■ 11. Amend § 3.309 by removing ''or air service'' and adding in its place ''air,

or space service'' in paragraphs (c)(1) introductory text and (c)(2)(ii) introductory text.

§ 3.318 [Amended]

■ 12. Amend § 3.318 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (a).

§ 3.807 [Amended]

■ 13. Amend § 3.807 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraphs (a)(5)(ii) and (b).

§ 3.808 [Amended]

■ 14. Amend § 3.808 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (a)(2).

§ 3.809 [Amended]

■ 15. Amend § 3.809 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (a).

§ 3.809a [Amended]

■ 16. Amend § 3.809a by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (b).

§ 3.903 [Amended]

■ 17. Amend § 3.903 by removing ''or air service'' and adding in its place ''air, or space service'' in paragraph (b)(1).

§ 3.1701 [Amended]

■ 18. Amend § 3.1701 by removing ''or air service'' and adding in its place ''air, or space service.''

[FR Doc. 2022–09481 Filed 5–2–22; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[EPA–HQ–OAR–2019–0534; FRL–9737–01–OAR]

Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance With the Disposal Regulations: Recertification Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of recertification decision.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) recertifies that the U.S. Department of Energy's (DOE or the Department) Waste Isolation Pilot Plant (WIPP) continues to comply with the final disposal regulations, known as the ''Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Waste.'' This is the fourth periodic evaluation of the WIPP's continued compliance with the disposal regulations and WIPP Compliance Criteria. The WIPP Compliance Criteria implement and interpret the disposal regulations specifically for the WIPP. This recertification process is required every five years. This recertification decision is based on a thorough review of information submitted by DOE, independent technical analyses and public comments. The Agency has determined that DOE continues to meet all applicable requirements of the final disposal regulations and the WIPP Compliance Criteria and recertifies the WIPP facility. EPA has also identified areas in which the DOE's technical analyses and justifications could be improved for the next recertification application.

DATES: May 3, 2022.

FOR FURTHER INFORMATION CONTACT: Ray Lee, Radiation Protection Division, Mail Code 6608T, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC, 20460; telephone number: 202–343–9463; email address: *lee.raymond@epa.gov.* Copies of the Compliance Application Review Documents (CARDs) supporting this action and all other recertification-related documentation can be found in the Agency's electronic docket found at *https://www.regulations.gov* (Docket ID No. EPA–HQ–OAR–2019–0534).

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Abbreviations

Am Americium
APCS Abandonment of Panel Closures in the South
CARD Compliance Application Review Document
CCA Compliance Certification Application
CFR Code of Federal Regulations
CRA Compliance Recertification Application
DOE U.S. Department of Energy
EPA U.S. Environmental Protection Agency
FR Federal Register
KPLA Known Potash Leasing Area
LWA Land Withdrawal Act
OAR Office of Air and Radiation
Pa Pascal
PA Performance Assessment
Pu Plutonium
TRU Transuranic
TSD Technical Support Document
WIPP Waste Isolation Pilot Plant

I. General Information

How can I get copies of this document and other related information?

EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2019–0534. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West,

Room B102, 1301 Constitution Ave. NW, Washington, DC. Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public *by appointment only,* and walk-ins are not allowed. Visitors to the Reading Room must complete docket material requests in advance and then make an appointment to retrieve the material. Please contact the EPA Reading Room staff at (202) 566–1744 or via email at *docket-customerservice@epa.gov* to arrange material requests and appointments. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and status, please visit us online at *https://www.epa.gov/dockets.*

EPA inspection or audit reports are routinely published on the Agency's WIPP website *https://www.epa.gov/radiation/epas-role-waste-isolation-pilot-plant-wipp* and WIPP–NEWS email listserv.

II. What is the WIPP?

The WIPP is a disposal system developed specifically, and exclusively, for defense-related transuranic (TRU) radioactive waste, operated by the U.S. Department of Energy (DOE) and located near Carlsbad in southeastern New Mexico. TRU waste is material containing alpha emitting radioisotopes, with half-lives greater than twenty years, in concentrations greater than 100 nanocuries per gram (nCi/g). WIPP Land Withdrawal Act (LWA), Public Law 102–579 (October 30, 1992), section 2(18). This waste primarily consists of clothing, tools, rags, residues, research material, sludges, debris, soil and other items contaminated with small amounts of plutonium (Pu) and other man-made radioactive elements. At the WIPP, DOE disposes of radioactive waste approximately 655 meters (2,150 feet) underground in an ancient salt layer which will eventually creep, encapsulate, and isolate the waste. Under LWA section 7(a)(3), the WIPP has a total statutory capacity of 175,570 cubic meters (6.2 million cubic feet) of TRU waste.

The LWA provides EPA the authority to oversee and regulate the WIPP. Pursuant, in part, to such authority, EPA promulgated or revised the Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes, 40 CFR part 191,[1] and the ''Criteria for the Certification and Re-Certification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR part 191 Disposal Regulations'' and 40 CFR part 194 (the WIPP Compliance Criteria).[2] The LWA directs DOE every five years to demonstrate continued compliance with the disposal regulations, and, after receipt of the submission from DOE, EPA determines whether the WIPP continues to be in compliance.[3] The WIPP Compliance Criteria make further provisions relating to the periodic (every five years) recertification of the WIPP.[4] EPA's determination published in this document is for DOE's fourth periodic recertification.

III. Compliance Certification History

A. 1998 Certification Decision

LWA section 8(d) required EPA to conduct an initial compliance evaluation of the WIPP and to certify whether the WIPP facility will comply with the final disposal regulations. On May 18, 1998, EPA conditionally certified that the WIPP will comply with the disposal regulations. *See* 63 FR 27354. The complete record and basis for the EPA's 1998 certification decision can be found in Air Docket A–93–02.

B. Previous Recertification Decisions

Subsequent to EPA's 1998 initial compliance certification of the WIPP, DOE periodically (every five years) has submitted, as required by the LWA, documentation of continued compliance, and EPA previously recertified the WIPP on three separate occasions. EPA's first WIPP recertification decision was announced on April 10, 2006 (*see* 71 FR 18010); the second on November 18, 2010 (*see* 75 FR 70584); and the third on July 19, 2017 (*see* 82 FR 33106).

IV. WIPP Compliance With Radioactive Waste Disposal Regulations and the WIPP Compliance Criteria

The WIPP must comply with EPA's radioactive waste disposal regulations, located at subparts B and C of 40 CFR part 191 (referred to as the ''final disposal regulations'' in LWA sections 8(d) and (f)). These regulations limit the amount of radioactive material which may escape from a disposal facility to protect individuals and groundwater resources from dangerous levels of radioactive contamination.

DOE submits a Compliance Recertification Application (CRA) every five years to demonstrate compliance with 40 CFR parts 191 and 194 per LWA section 8(f). Compliance applications must demonstrate compliance with the requirements contained within each section of 40 CFR part 194 [5] and provide a comprehensive, technically justified assessment of repository performance demonstrating compliance with 40 CFR part 191, subparts B and C (through a process known as ''performance assessment''). Upon receiving the CRA from DOE, EPA first makes a completeness determination by performing an in-depth review to ensure DOE's submission is sufficiently detailed to support EPA's technical evaluation with respect to all compliance criteria. EPA finishes its technical evaluation after DOE responds to EPA's completeness comments and EPA considers the CRA complete (40 CFR 194.11).

DOE's WIPP compliance applications must include, at a minimum, basic information about the WIPP site and disposal system design, including information about the following topics: The geology, hydrology, hydrogeology and geochemistry of the WIPP disposal system and the WIPP vicinity; the WIPP materials of construction; standards applied to design and construction; background radiation in air, soil and water; and past and current climatological and meteorological conditions (40 CFR 194.14). Section 194.15 states that DOE's recertification applications shall update this information to provide sufficient information for EPA to determine whether the WIPP facility continues to be in compliance with the disposal regulations.

In addition, the WIPP must comply with the WIPP Compliance Criteria at 40

[1] *See* 50 FR 38066 (September 19, 1985) and 58 FR 66398 (December 20, 1993).

[2] *See* 61 FR 5224 (February 9, 1996).

[3] LWA, section 8(f).

[4] Since EPA's initial certification, the operation of the WIPP proceeded without substantial interruption until 2014. However, two events took place at the WIPP in February 2014 that led DOE to suspend the emplacement of additional waste in the facility for nearly three years. Refer to the prior recertification document (82 FR 33106, July 19, 2017) for more information.

[5] To some extent, the discussion in this **Federal Register** document describing EPA's evaluation of CRA–2019 tracks the various requirements or sections of 40 CFR part 194. So, for example, Section IV.B of this document relates to certain conditions associated with EPA's basic certification of compliance for the WIPP, as set out in part 194, App. A.; Section VI.C of this document substantially relates to requirements associated with §§ 194.14, 194.15, 194.23, and 194.31 through 194.34. This organization, though, is not strict and there is some overlap and intersection among the subparagraphs of Section VI.C of this document and the various requirements of part 194 (and part 191). In addition, the provisions of some sections of part 194 require little, if any, discussion. So, for example, DOE did not conduct any activities during the period covered by this CRA related to future states assumptions (§ 194.25), expert judgment (§ 194.26), or assurance requirements (§§ 194.41 through 194.46). See the corresponding CARDs for more discussion.

CFR part 194. The WIPP Compliance Criteria implement and interpret the general disposal regulations specifically for the WIPP and clarify the basis and process by which EPA makes certification and recertification decisions.[6]

A. How does EPA ensure ongoing compliance with the WIPP compliance criteria?

In addition to the periodic recertification process, EPA, on an on-going basis, monitors and ensures continuing compliance with EPA regulations through a variety of activities, including the following: Review and evaluation of DOE's annual change reports, monitoring the conditions of compliance, addressing planned change requests, information requests concerning the WIPP, inspections of the WIPP site, and inspections of waste characterization operations. The Agency has conducted periodic inspections to verify the adequacy of information relevant to certification applications. EPA conducts inspections at the WIPP site to review and ensure that the monitoring program meets the requirements of § 194.42. EPA has also inspected the emplacement and tracking of waste in the repository. The Agency's inspection reports can be found in Air Docket A–98–49, Categories II–A1 and II–A4, as well as online at *https://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2001–0012.

DOE must report any planned or unplanned changes in activities or conditions pertaining to the disposal system that differ significantly from the most recent compliance application and, at least annually, report any other changes in disposal system conditions or activities. 40 CFR 194.4(b)(3), (4). DOE must also report any releases of radioactive material from the disposal system. 40 CFR 194.4(b)(3)(iii). DOE's annual change reports reflect the progress of quality assurance and waste characterization inspections, minor changes to DOE documents, information on monitoring activities, and any additional EPA approvals for changes in activities. In addition, EPA may request additional information from DOE (*see, for example,* 40 CFR 194.4(b)(2)). These requirements assist EPA with monitoring the performance of the disposal system and evaluating whether the certification should be modified, suspended or revoked. All correspondence and approvals regarding the annual change reports can be found in hard copy in the Air Docket A–98–49, Categories II–B2 and II–B3, and also in Docket ID No. EPA–HQ–OAR–2001–0012 at *https://www.regulations.gov.*

B. Compliance Certification Conditions

In connection with the compliance criteria, there also are four conditions of compliance described in 40 CFR part 194, appendix A, that must be met. Below are brief descriptions of each condition and any changes made by DOE since the last CRA to meet those conditions.

1. Panel Closure System

Certification Condition 1 states that DOE shall close filled waste panels in a manner that has been specifically approved by EPA. The WIPP waste panel closure system design changed between the 2014 recertification application and this 2019 recertification following the February 2014 radiological release that contaminated the south end of the repository.[7] The run-of-mine salt closures planned for panels 3–6 could not be emplaced and panel 9 was abandoned due to safety concerns. Because access to panels 3–6 was through panel 9, DOE installed run-of-mine salt closures and steel bulkheads in the access drifts to panel 9 to block personnel access to the south end waste panels, which the Agency verified in an May/August 2019 inspection (Docket ID No. EPA–HQ–OAR–2001–0012–04700). The closure system design for panels 1, 2, 7, 8 and 10 consisting of run-of-mine salt closures and steel bulkheads were not changed by the accidental release.

2. Quality Assurance

Certification Condition 2 requires waste generator sites to establish and execute a quality assurance program for waste characterization activities. Section 194.22 establishes quality assurance requirements for the WIPP. DOE must adhere to a quality assurance program that implements the requirements of ASME NQA–1–1989 edition, ASME NQA–2a-1990 addenda, part 2.7, to ASME NQA–2–1989 edition, and ASME NQA–3–1989 edition (excluding Section 2.1 (b) and (c), and Section 17.1). EPA determined that the CRA–2019 provides adequate information to verify the establishment and implementation of a quality assurance program in accordance with ASME NQA–1–1989 through periodic audits conducted in accordance with § 194.22(e). EPA's determination of compliance with 40 CFR 194.22 can be found in Table 1 of CARD 22. Between March 2014 and March 2019, EPA conducted several quality assurance audits and found the site-specific quality assurance programs to be adequate. Records of EPA's quality assurance correspondences and waste characterization approvals can be found in Air Docket A–98–49, Categories II–A1 and II–A4, respectively, as well as online in Docket ID No. EPA–HQ–OAR–2001–0012 on *https://www.regulations.gov.*

3. Waste Characterization

Certification Condition 3 requires waste generator sites to have waste characterization systems approved by EPA. DOE implemented site-specific waste characterization programs to (a) characterize physical and radiological components in individual waste containers; and (b) demonstrate compliance with the WIPP waste disposal requirements at 40 CFR 194.24 and 194.8. Since the last recertification (CRA–2014), EPA conducted inspections of various site-specific waste characterization programs and requests for changes in accordance with 40 CFR 194.24 and 194.8 and concluded they were technically adequate (*see* Table 1 in CARD 8 and CARD 24 for further details). During the period covered by CRA–2019, all site-specific waste characterization systems of controls at active waste generator sites had necessary baseline approvals.

4. Passive Institutional Controls

While DOE provided information on potential passive institutional control designs at the time of the certification, Certification Condition 4 requires DOE to submit a schedule and plan for implementing passive institutional controls, including markers and other measures indicating the presence of the repository, but DOE is not required to provide such information until the final CRA prior to the closure of the WIPP. EPA anticipates that it will evaluate DOE's compliance with Condition 4 of the certification when DOE submits a revised schedule and additional documentation regarding the

[6] In addition to EPA's radioactive waste disposal regulations and the WIPP Compliance Criteria, the WIPP must also comply with a number of other Federal laws and regulations pertaining to public health and safety or the environment. *See, for example,* LWA section 9. In a separate process, distinct from this periodic (every five years) compliance recertification process, DOE also must periodically (every two years) submit documentation of continued compliance with such other laws and EPA (or the State of New Mexico, as appropriate) must, in response, determine whether the WIPP is in compliance with such laws. The most recent Biennial Environmental Compliance Report (BECR) determination for the WIPP, dated 04/13/2021, may be found at Docket ID No. EPA–HQ–OAR–2001–0012–0701.

[7] For a discussion of the 2014 incidents at the WIPP, *see* EPA's prior recertification determination. 82 FR 33106, 33107 (July 19, 2017).

implementation of passive institutional controls. EPA has not received any submissions from DOE during the period addressed by CRA–2019 and has not taken any actions relating to Condition 4 (*see* CARD 43).

V. The 2019 CRA

A. DOE's 2019 CRA

On March 26, 2019, DOE submitted the most recent CRA as required by 40 CFR 194.15(a), updating its previous 2014 submission. On September 25, 2019, EPA gave public notice of DOE's submittal of CRA–2019 and opened the official public comment period (84 FR 50367). On December 20, 2019, DOE submitted a performance assessment (PA) and supporting documentation. This deferred PA was previously agreed upon by EPA and DOE so that the Department could address technical issues identified in the previous CRA. EPA submitted to DOE six (6) letters with questions that DOE responded to between June 2020 to June 2021, with 2 additional sets of follow up questions communicated through email. This information supplements the documentation DOE submitted in March and December 2019. On November 17, 2021, EPA sent a letter to DOE stating that DOE's recertification application was complete. On November 26, 2021, EPA issued a **Federal Register** document announcing the completeness determination and stating that the public comment period would close on December 27, 2021. *See* 86 FR 67424. The CRA–2019 completeness-related correspondence can be found in the WIPP public docket at Docket ID No. EPA–HQ–OAR–2019–0534 at *https://www.regulations.gov.*[8]

Since September 2019, EPA has published and disseminated numerous announcements regarding the recertification schedule and availability of WIPP-related documents on the EPA WIPP website and the dockets.[9] EPA held an on-line, or virtual, informal stakeholder meeting on August 17, 2021, to allow additional opportunity for public participation during the recertification process (see the EPA WIPP website for slides and documents from the informal meeting). The meeting consisted of one three-hour evening session to allow for time-zone differences between headquarters in Washington, DC and stakeholders in New Mexico. To make this meeting informative to all attending parties, EPA listened to stakeholder input and concerns and tailored the meeting around the public as much as possible.[10]

The main purpose of the stakeholder meeting was to provide information and further opportunity to address questions about EPA's recertification process and timeline, as well as DOE's application and important changes at the WIPP since the last recertification in 2017. The meeting featured brief EPA presentations followed by a question-and-answer session. In response to stakeholder suggestions, DOE staff members were also on hand to provide information and respond to stakeholder questions related to DOE's application and current WIPP activities. Staff from the New Mexico Environment Department attended as observers. Public participants were encouraged to provide comments to EPA for consideration during the review of DOE's CRA–2019. The issues raised at this virtual meeting have been considered and addressed by EPA in this document and within the CARDs, which are available in the public recertification docket. EPA received 11 substantial public comments and has considered and appropriately responded to those comments. *See* Appendix 15–B of CARD 15.

B. EPA Evaluation of the 2019 CRA

This EPA recertification decision is based on the entire record compiled by the Agency, which is available in the public docket dedicated to this recertification (Docket ID No. EPA–HQ–OAR–2019–0534 at *https://www.regulations.gov*). The record consists of the CRA–2019, supplementary information submitted by DOE in response to EPA requests, technical reports generated by EPA, EPA audit and inspection reports, documentation from technical exchanges between EPA and DOE staff to better understand some of DOE's responses to requests for additional information, independent EPA calculations, and comments submitted on DOE's application and EPA's completeness review during the public comment period. All pertinent CRA–2019 correspondence was placed in the public recertification docket and linked on EPA's WIPP recertification website *https://www.epa.gov/radiation/certification-and-recertification-wipp.*

The focus of EPA's technical review relating to the CRA–2019 was on topical areas identified by DOE and confirmed by EPA as having been changed since the CRA–2014 (*see* Section VI of this document for further discussion of EPA's technical review). EPA produced multiple documents during the technical review and evaluation of the CRA. These documents included CARDs along with technical support documents (TSDs).[11] Together, EPA's completeness comments, CARDs, and TSDs thoroughly document EPA's review of DOE's CRA–2019 and the technical basis for the Agency's decisions. In addition, EPA used DOE performance assessment computer codes to independently investigate the impact (*i.e.,* sensitivity) of parameter changes on the calculated releases from the repository. The results of these sensitivity calculations are discussed in Section VI.E of this document and in Section 4.0 of the EPA TSD *Overview of EPA Review of U.S. Department of Energy 2019 WIPP Compliance*

[8] In accordance with 40 CFR 194.67, EPA maintains public dockets via *https://www.regulations.gov* that contain all the information used to support the Agency's decision on recertification. The Agency maintains the formal docket in Washington, DC, as well as informational legacy/paper dockets related to the original certification decision (R–89–01, A–92–56, and A–93–02) in three locations in the State of New Mexico (Carlsbad, Albuquerque, and Santa Fe). The docket as a whole consists of all relevant, significant information received to date from outside parties and all significant information considered by EPA in reaching a WIPP recertification decision.

[9] A variety of general information, pertinent new information, and updates on EPA's WIPP activities is available at the WIPP internet homepage at *https://www.epa.gov/radiation/epas-role-waste-isolation-pilot-plant-wipp.* All pertinent recertification-related documents (including the DOE-submitted recertification materials, letters, **Federal Register** notices, outreach materials, etc.) are available for review or download (in Adobe PDF format) via the electronic docket dedicated to the 2019 recertification process (*https://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2019–0534). The Agency's WIPP–NEWS email listserv, which automatically sends messages to subscribers with up to date WIPP announcements and information, is also available online. Any individuals wishing to subscribe to the listserv can join by visiting *https://lists.epa.gov/read/all_forums/subscribe?name=wipp-news* and providing all requested information to register.

[10] Although EPA has provided opportunities for public engagement, including a virtual meeting and an opportunity to comment, under section 8(f)(2) of the LWA, the periodic (every five years) recertification of the WIPP and EPA's recertification determination are not subject to rulemaking. In accordance with the LWA, EPA is not and has not engaged in rulemaking in connection with its recertification determination and did not intend to do so simply by seeking and providing opportunity for public participation.

[11] The CARDs discuss DOE's compliance with each of the individual requirements of the WIPP Compliance Criteria and correspond in number to the sections of 40 CFR part 194 to which the documents primarily relate. Each CARD reviews the changes made by DOE and describes EPA's evaluations and conclusions. The CARDs also list the EPA TSDs and any other references used by EPA. For more detailed information on the technical issues considered in EPA's recertification decision, see the TSDs. All CARDs, TSDs, and references are available in the public recertification docket, via *Regulations.gov* (Docket ID No. EPA–HQ–OAR–2019–0534), with the exception of generally available references and those documents already maintained by DOE or its contractors in locations accessible to the public.

Recertification Application Performance Assessment (Docket ID No. EPA–HQ–OAR–2019–0534).

C. EPA's 2019 Recertification Decision

In response to the CRA–2019 and after consideration of all the materials and information described in this document, EPA determines, in accordance with LWA section 8(f)(2), that the WIPP facility is in compliance with the final disposal regulations, subparts B and C of 40 CFR part 191. The calculated releases contained in the PA demonstrate that the WIPP will not exceed regulatory limits on releases of radionuclides to the accessible environment [12] during the 10,000-year performance period. Compliance recertification ensures that accurate and up-to-date information is considered in the determination that WIPP remains in compliance with these radioactive waste disposal regulations. EPA makes this recertification and determination of continued compliance following the ''Criteria for the Certification and Re-Certification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR part 191 Disposal Regulations'' (WIPP Compliance Criteria, 40 CFR part 194), including the WIPP certification conditions (40 CFR part 194, appendix A). The Agency's review has also identified instances where aspects of the PA could be enhanced or improved, most notably in connection with the geochemistry database. The results of EPA's review of the CRA–2019, including descriptions of EPA's review process, expanded discussions of selected topics of interest, and supplemental confirmatory modeling carried out by EPA staff, are contained in Section VI of this document.

VI. EPA's Technical Review

A. Performance Assessment and EPA Standards

The disposal regulations at 40 CFR part 191 include requirements for the containment of radionuclides. The numerical containment requirements at 40 CFR 191.13 specify that releases of radionuclides to the accessible environment must be unlikely to exceed specific limits for 10,000 years after disposal. As noted previously, DOE assesses the likelihood that the WIPP will meet these release limits through a performance assessment.

The disposal regulations provide that there must be a reasonable expectation that cumulative releases of radionuclides from the WIPP and into the environment over 10,000 years will not exceed specified quantities of these radionuclides (40 CFR 191.13 and appendix A). A reasonable expectation standard is used because of the long time period involved and because the nature of the events and processes at radioactive waste disposal facilities lead to uncertainties about future performance. DOE's probabilistic performance assessments calculate the likelihood of an environmental radionuclide release by accounting for future uncertainties through the use of alternative scenarios and variations in values of uncertain parameters via probability distributions.

The containment requirements in 40 CFR 191.13 are expressed in terms of ''normalized releases.'' At the WIPP, the specific release limits are based on the estimated amount of waste in the repository at the time of closure, and the projected releases are ''normalized'' against these limits (§ 194.31). Normalized releases are expressed as ''EPA units.''

DOE must demonstrate, in each CRA, that the total average of combined releases is below two compliance criteria at a higher probability of occurrence and a lower probability of occurrence. These probability compliance points are as follows:

1. For a probability of 0.1 (a 1 in 10 chance) in 10,000 years, cumulative releases to the accessible environment will not exceed 1 EPA unit, and

2. For a probability of 0.001 (a 1 in 1,000 chance) in 10,000 years, cumulative releases to the accessible environment will not exceed 10 EPA units.

In the undisturbed case, that is if there is no drilling into the repository, no releases are expected as the salt will isolate the waste very effectively. For the disturbed case, DOE evaluates four release mechanisms in the WIPP performance assessment modeling:

Cuttings and cavings. These consist of waste material that gets brought to the surface when a borehole intersects waste in a WIPP waste panel. Cuttings are waste materials intersected by the borehole itself and cavings are waste materials that fail around the borehole, collapse into it, and are brought to the surface.

Spallings. These are the solid materials that fail and are brought to the surface under high-pressure conditions in the repository. This only occurs when the pressure is above 8 megapascals [13] (MPa).

Direct Brine Releases. These are releases of dissolved actinides in brine when the pressure in the repository is high (*i.e.,* above 8 MPa) and brine saturations are above residual saturation (*i.e.,* brine is not ''trapped'' between pore spaces) through a borehole that intersects a waste panel. The contaminated fluid is brought to the surface over a period of hours to days.

Releases to the Culebra. These occur when contaminated brine from the repository is introduced via a borehole to the Culebra Dolomite (a geological unit, stratum or layer) and then moves to the edge of the accessible environment.

DOE estimates the potential cumulative releases from these release mechanisms and compares them with the specified limits provided in Table 1 of 40 CFR part 191, appendix A. DOE is to provide in the application overall mean calculated releases and the upper 95th confidence limit of that mean.

B. Status of EPA Identified Areas for Improvement From the 2017 Recertification Decision

1. Plutonium Oxidation States

Since the original Compliance Certification Application (CCA), WIPP Pu solubility calculations have assumed a 50/50 split between aqueous Pu(IV) in equilibrium with solid Pu(IV) and aqueous Pu(III) in equilibrium with solid Pu(III). There is growing evidence in the published scientific literature that suggests the chemical conditions at the WIPP will favor Pu(III) over other oxidation states. Pu(III) has a higher solubility than Pu(IV), and the preference for Pu(III) over Pu(IV) results in higher calculated releases under the direct brine release scenario. EPA flagged this issue in its review of CRA–2014 and the Agency now considers the case to be stronger for the dominance of Pu(III), as documented in EPA's independent literature evaluation and modeling study on Pu oxidation states at the WIPP [14] that concluded that conditions at the repository will overwhelmingly support Pu(III) over Pu(IV). Pending more robust technical justification for its current or an alternative approach, DOE should assume Pu(III) solids control dissolved

[12] The accessible environment is defined in 40 CFR 191.12 as (1) The atmosphere; (2) land surfaces; (3) surface waters; (4) oceans; and (5) all of the lithosphere that is beyond the controlled area.

[13] ''Pascal'' is a unit of pressure, defined as 1 kg/m-sec^2. A megapascal is one million pascals.

[14] Schramke, J.A., E.F.U. Santillan, R.T. Peake, ''Plutonium Oxidation States in the Waste Isolation Pilot Plant Repository,'' Applied Geochemistry, 116:104561, 2020.

Pu concentrations in future PA calculations.

2. Geochemistry Database

In its 2017 recertification decision, EPA noted multiple technical issues in the geochemistry database that is used to calculate actinide solubility, many of which were to be addressed in the CRA–2019 (*e.g.,* organic ligands, iron, and lead). DOE has provided updates to address these issues. *See* Section VI.D.1 of this document for more details.

3. Microbial Colloids

During EPA's 2017 recertification, the Agency noted that DOE's microbial colloids parameter did not sufficiently address multiple uncertainties. Both EPA and DOE have worked to address these uncertainties for CRA–2019. *See* Section VI.C.4 of this document for more details.

4. Creep Closure of Open Areas

Creep closure of mined openings in deeply buried salt deposits is a natural process that is certain to occur after WIPP operations cease, but the rate of closure and the final salt properties are uncertain. The exclusion of explicit modeling of creep closure processes for open areas was accepted by EPA in the early WIPP performance models because it eased the computational burden and this exclusion appeared to result in estimates of higher releases by reducing the isolation of individual waste panels. This leads to conservatism in modeling results. However, as a result of the abandonment of the south end of the repository, more open areas will be present with the elimination of panel closures in the south end and the increased size of the operations and experimental areas than postulated in the current 10-panel repository design. Because the characterization of the salt creep closure is still uncertain at WIPP, EPA recommended, in connection with the prior recertification, that DOE improve its understanding of the creep processes and develop a more reliable model in the PA calculation. DOE is investigating the creep closure process to better understand it for more explicit inclusion in the CRA–2024.[15] Because DOE is still investigating the creep closure process,[16] DOE addressed the creep closure uncertainties in the CRA–2019 by using the interim Abandonment of Panel Closures in the South (APCS) approach (described in Section VI.C.1).

C. Changes to the Disposal System Identified by DOE for CRA–2019

In Section 15 of the CRA–2019, DOE identified changes to the disposal system between CRA–2014 and CRA–2019, as well as changes to technical information relevant to §§ 194.14 and 194.15. Noteworthy changes identified by DOE since CRA–2014 include the following: The decision not to install final panel closures in multiple panels, the abandonment of Panel 9 in the south end of the repository, and the development of the APCS approach to model those abandoned areas; updated borehole drilling rates and plugging patterns; a revised probability of encountering pressurized brine per EPA direction; revised baseline radionuclide solubilities; revised colloid parameters; and inclusion of brine radiolysis in the gas generation model. The addition of six metric tons of surplus Pu to the inventory (Waste Stream SR-KAC-PuOx) led DOE to include gas generation from brine radiolysis, as the concentration of Pu was not high enough during prior recertification applications for gas generation to be a concern in terms of repository performance. *See* both Sections VI.C.5 and VI.F for more discussion.

Before determining that the CRA–2019 was complete, EPA raised technical questions with DOE, as described below. For each topic, a brief summary is provided of how DOE addressed the issue in the 2019 application, followed by EPA's perspective on the change, including any follow-up sensitivity studies conducted by EPA. However, the calculated releases in the CRA–2019 PA were higher than those calculated in the CRA–2014 PA, in part due to the assumptions used in the 2019 PA models to account for abandonment of the southern end of the repository. DOE's approach was intended to bound potential releases, and DOE provided separate calculations to demonstrate that its approach was conservative, tending to estimate higher releases in the CRA–2019 calculations. As in the EPA recertification decision for the 2014 application, in this recertification EPA identifies future analyses DOE will need to conduct in order to address this topic in more detail.

1. Abandonment of Panel Closures and Waste Panel 9

The WIPP repository was closed between February 2014 to January 2017 following an accidental release of radionuclides that contaminated the south end of the underground repository waste area. Access to the contaminated areas was limited for an extended period of time and routine ground control could not be conducted. This resulted in unsafe conditions that led to a DOE decision to seal off and abandon the part of the waste area designated as Panel 9, to cancel the planned installation of run-of-mine salt panel closures in Panels 3, 4, 5 and 6, and to identify the need for a replacement for Panel 9. DOE addressed the impacts of these design changes in the CRA–2019 PA using the APCS approach.

The APCS approach incorporated conservative assumptions that were intended to estimate somewhat higher releases than would be expected given that no waste will actually be in Panel 9. DOE proposed this interim approach for this CRA because (1) DOE had not developed the concept to replace Panel 9 at the time the calculations needed to be started and (2) a long lead time was required to develop replacement models coupled with developing the new design. The primary elements of this approach were to treat abandoned Panel 9 as a surrogate for its replacement (*i.e.,* modeling as though waste had actually been emplaced in the abandoned panel) and to treat the now-empty waste panel access drifts as having relatively high porosities and permeabilities for the 10,000-year EPA regulatory period. In addition, to help ensure that repository releases would not be underestimated by this approach, the isolation functions of the remaining single panel closures, including the important closures between Panels 9 and 10, were not modeled.

Upon review, EPA found that the assumptions in the APCS approach were not physically realistic but did compensate for inherent uncertainties in modeling the design changes. In accepting the APCS approach, EPA also evaluated DOE's parallel model (CRA19_CL), which assumed all panel access drifts without constructed closures would immediately creep close and have the very low porosity and permeability properties of intact halite.

DOE's model CRA19_CL did calculate lower repository releases compared to DOE's CRA–2019 PA model, but the Agency found that the CRA19_CL model did not address the consolidation and healing of the disturbed rock zones (DRZs) surrounding the empty drifts. EPA separately analyzed the effects of DRZ healing using the Agency's CRA19_COMP model, which modified DOE's model to also treat the DRZs as immediately creep closing to the same properties of intact halite, consistent with the process described previously

[15] DOE Response 6 to EPA CRA19 completeness comment CC3–SCR–3, October 26, 2020, Document ID. No. EPA–HQ–OAR–2019–0534–0017.

[16] Status of Waste Isolation Pilot Plant Rock Mechanics Research, Sandia National Laboratories, May 20, 2020, SAND2020–5269 CTF.

for the empty drifts (*see* Section VI.E.1 of this document for more detail). The results confirmed that the APCS approach calculated higher repository releases as compared with empty drifts that were assumed to creep close over longer periods to the similar low porosity and permeability endpoints as intact halite.

Additional discussion can be found in the EPA TSD for § 194.23, *Review of the APCS Approach to Analyzing WIPP Repository Performance in the CRA–2019 Performance Assessment* (Docket ID No. EPA–HQ–OAR–2019–0534).

2. Updated Plugging Patterns and Borehole Drilling Rates

Plugging Patterns. As a general matter, and unrelated to WIPP-specific regulations and requirements, before wells are abandoned or permanently closed, various state and Federal regulations require that the boreholes must be plugged and surface equipment removed. Releases could occur through a borehole that penetrates the waste repository after it has been plugged and abandoned. The depths and stratigraphic horizons of installed plugs (plugging pattern) in abandoned boreholes impact the migration of fluids in and out of the repository, which in turn have significant effects on releases modeled in the PA. If a borehole has one continuous plug, no releases are assumed to occur. Up to CRA–2014, DOE evaluated plugging patterns in boreholes abandoned since 1988 for each CRA based on an updated dataset of the entire New Mexico portion of the Delaware Basin. EPA previously accepted this basis for calculating plugging pattern probabilities.

In CRA–2019, DOE changed the method for calculating plugging pattern probabilities to a narrower one based only on the part of the Delaware Basin within New Mexico's Known Potash Leasing Area (KPLA). DOE justified this change because the WIPP site is within the KPLA boundary, and this area could therefore be considered to represent an appropriate regulatory and geologic analog for future plugging practices at the WIPP. DOE's implementation of this change in the PA contributed to the probability of continuous plug use increasing from 4% in the CRA–2014 PA to 40% in the CRA–2019 PA, based on the field data collected by DOE. This significantly reduced calculated releases. Because this was a major change, EPA paid special attention to the basis for the change.

EPA found that, in the KPLA, boreholes are required to be abandoned with continuous plugs if they are located within known potash reserves, but waivers from this requirement are allowed for boreholes in potash ''barren'' areas, and waivers to the requirement for continuous plugs are frequently granted in New Mexico. Based on DOE's borehole database, approximately 60% of the boreholes plugged in the KPLA since 1988 did not have continuous plugs installed, presumably due to waivers. In preparing the 1996 CCA, DOE found that the repository is in a ''barren'' area without economical potash reserves, meaning it would qualify for a waiver. The DOE's CRA–2019 approach does not specifically consider that current law provides for this waiver possibility. Based on current regulations and practices, EPA expects that a borehole through the WIPP repository would likely be granted a waiver from the continuous plug requirement because it is in a barren area. Therefore, future boreholes through the repository most likely would not be abandoned with a continuous plug and the probability of such a borehole being abandoned with a continuous plug would be much less than the 40% used in the CRA–2019 PA. In addition, the new approach ignores a number of abandoned boreholes directly southeast of WIPP but just outside the KPLA that may otherwise be relevant geological analogs.

EPA concludes that the new approach used by DOE to calculate plugging pattern probabilities is not adequately supported by regulatory considerations or actual practice (*e.g.,* exemptions to the solid plugging requirement) in the KPLA, and it further fails to consider representative, relevant boreholes in the vicinity of WIPP. EPA conducted a sensitivity PA study with the plugging pattern probabilities calculated with the original methodology and the release results show that WIPP still complies (*see* Section VI.E.2 of this document). EPA expects DOE to use the previously approved methodology for calculating plugging pattern probabilities in future PAs, or otherwise propose alternative methods that may be approved by EPA prior to that time.

Drilling Rates. The average areal density (*i.e.,* average over an area) of boreholes drilled in the Delaware Basin in Texas and New Mexico over the past 100 years is called the ''drilling rate'' in the PA. This rate is used to estimate the number of deep boreholes that might intersect WIPP waste during the 10,000-year post-closure period. Deep borehole intrusion into the repository is the only mechanism for significant releases from the repository, so a greater number of boreholes would increase calculated releases in the PA.

When the drilling rate is recalculated for each CRA, all boreholes without depth information listed at the time are categorized by DOE as shallow ''drilling or waiting on paperwork.'' Noting that, based on historical trends, the majority of boreholes would eventually be categorized as deep, EPA evaluated the impact of this assumption in DOE's methodology. These boreholes will eventually get incorporated into the PA, but the Agency found the DOE methodology results in additional lag time between when drilling actually occurs and when DOE incorporates it into the deep drilling rate in the PA. The Agency requests that DOE re-evaluate its methodology to better address the lag time between the drilling of boreholes and its capture in the PA for CRA–2024.

A more detailed discussion of EPA's review of DOE's plugging pattern and drilling rate frequency calculations is presented in the EPA TSD *Review of Borehole Drilling Rate and Plugging Pattern Frequency Calculations in the CRA–2019 Performance Assessment* (Docket ID No. EPA–HQ–OAR–2019–0534).

3. Radionuclide Solubilities

The solubilities of actinide elements affect actinide mobilization as dissolved species, microbial colloids, and humic colloids in WIPP brines. The parameters used to represent actinide solubilities were updated in the CRA–2019 PA. EPA reviewed the actinide solubility calculations and identified a number of issues related to the geochemical database and assumptions used to make the solubility calculations, resulting in an underprediction of calculated actinide solubilities (*see* Section VI.D.2 of this document). While these issues did not result in the WIPP exceeding future regulatory release limits, their effects on actinide mobilization in WIPP brines are of concern to EPA and are addressed in detail in Section 7.8 and Attachment B of the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

4. Revised Colloid Parameters

DOE updated microbial colloid parameters based on new laboratory data and changed intrinsic colloid parameters based on a review of existing laboratory data since the previous CRA. Both sets of changes do not reflect the full range of values EPA has seen in DOE's existing data or in the case of

microbial colloids, the broader literature. Although there is large variability in proportionality constants reported in the scientific literature, the variability was not reflected in the CRA–2019 PA microbial colloid proportionality constants since DOE determined these parameters based on a single organism. EPA's review also found that the microbial colloid enhancement parameters used in the CCA provided more defensible and bounding maximum microbial colloid concentrations. Further, EPA found that the parameters for Americium (Am) (III) and Thorium (Th) (IV) intrinsic colloids did not adequately represent the available laboratory data. While these issues will not lead to the WIPP being out of compliance, they are less technically defensible based on the available information. For future PAs, unless DOE proposes an acceptable alternative, DOE should use microbial colloid proportionality constants that adequately address the variability in the literature, CCA-based microbial colloid maximum values, and revised Am(III) and Th(IV) intrinsic colloid parameters that bound laboratory data. Additional discussion of colloid parameters in the CRA–2019 PA can be found in Section 8.3 of the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

5. Inclusion of Brine Radiolysis in the Gas Generation Model

Gas generation from radiolysis of brine in the WIPP repository results primarily from the decay of Am and Pu isotopes. Gas generation is important to repository performance because elevated gas pressure is a driver of the primary release pathways, except for the cuttings and cavings release pathways. An increased mass of Pu projected for disposal in the CRA–2019 waste inventory (Waste Stream SR–KAC–PuOx), as well as a decreased contribution of microbial gas generation to repository gas pressures, prompted DOE to reevaluate the significance of radiolysis to repository performance. Brine radiolysis by Pu in saturated waste was added to the gas generation process model in response to that evaluation and EPA found it to be incorporated appropriately for CRA–2019. However, with the increased importance of Pu in the waste inventory, EPA believes that DOE should continue to refine this set of parameters for the next PA. Additional discussion of the implementation of radiolytic gas generation and brine consumption in the CRA–2019 PA can be found in Section 3.6 of the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

D. Other Issues Identified by EPA During Review

EPA identified several topics where the Agency believes new information can be incorporated into future CRAs to improve defensibility of the calculated PA results. These topics relate to the chemical conditions within the repository and are important in determining the potential for releases of radionuclides from the disposal system. Although these are important concerns that should be addressed in the future by DOE, for its decision on this CRA, EPA was nonetheless able to adequately evaluate the WIPP's continued compliance with the final disposal regulations and make a sound recertification determination. The following subsections briefly describe each of these topics, and more detail is provided in the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

1. Geochemistry Database

The Agency has identified errors in the geochemical database used to perform actinide solubility calculations for the PA, including errors in DOE's selection of organic ligand stability constants and the inclusion of lead solubility and aqueous speciation data. These errors result in lower predicted releases, especially for the +III actinides. EPA investigated the impacts of database issues in a sensitivity study (*see* Section VI.E of this document for more detail).

2. Initial Assumptions for Solubility Calculations

DOE actinide solubility calculations assumed calcite in brine would precipitate to saturation even though calcite oversaturation (*i.e.,* non-precipitation) is common in low temperature aqueous systems. Although this assumption did not significantly affect releases, the assumption of calcite precipitation also caused significant cement precipitation, consuming up to 83% of water in ERDA–6 brine. These results are unrepresentative of the WIPP system, were not reflected in the rest of the PA, and have important implications towards repository water balance, the availability of radionuclides for transport, the effectiveness of the magnesium oxide barrier used to control carbon dioxide and pH, and on the physical properties of room closure. This is further discussed in Section 7.8 of the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

3. Actinide Solubility Uncertainty

DOE represents uncertainty in actinide solubility by sampling from a distribution that compares modeled solubility to experimental data from multiple reports and peer-reviewed studies. For CRA–2019, DOE used a modified distribution from CRA–2014 which did not include any new studies since the previous recertification. DOE provided an updated distribution following discussions with DOE during EPA's completeness determination process in which the Agency asked the Department to include new data from publicly available literature (*e.g.,* journal articles, government reports) since CRA–2014. EPA's evaluation of DOE's response concluded that the update skewed solubility calculations towards an overly conservative and unrepresentative increase and that DOE's use of the original modified CRA–2014 distribution was sufficient for CRA–2019, even without more recent data. Prior to the next CRA, EPA recommends that DOE perform an evaluation of the relative advantages and disadvantages of other potential approaches for addressing +III and +IV actinide solubility uncertainties to improve confidence in the current approach. This issue and recommendation are discussed in more detail in Section 7.8 of the EPA TSD *Evaluation of the Compliance Recertification Application (CRA–2019) Actinide Source Term, Gas Generation, Backfill Efficacy, Water Balance, and Culebra Dolomite Distribution Coefficient Values* (Docket ID No. EPA–HQ–OAR–2019–0534).

E. EPA Sensitivity Studies

In connection with the prior CRA, EPA identified issues with model parameters and approaches used by DOE and requested that DOE conduct additional calculations so the EPA could better understand how alternative

parameter values and approaches would affect repository performance. These calculations were treated as sensitivity studies. To support the EPA assessment of the CRA–2019, EPA conducted modeling calculations to determine the sensitivity of releases to the previously noted issues identified during its review. In combination with other information, the sensitivity studies aided EPA in determining whether the WIPP would continue to comply with the radioactive waste disposal regulations at 40 CFR part 191 and the compliance criteria at 40 CFR part 194. Based on these sensitivity studies, EPA concludes that WIPP continues to comply with EPA's radioactive waste disposal regulatory release limits.

The results from the EPA sensitivity studies are expressed as changes in mean total repository releases in EPA units for comparison with DOE's CRA–2019 results. For reference, the EPA release limits are 1.0 EPA units at the upper probability compliance point of a 0.1 probability of the release and 10.0 EPA units at the lower probability compliance point of a 0.001 probability of the release.

EPA's sensitivity studies examined the technical issues in the CRA–2019 PA that potentially had greater impacts on repository releases. The Agency's modifications to the selected parameters increased calculated releases. However, the total mean releases and the upper 95% confidence limit on those means remained below EPA's WIPP regulatory release limits. The major issues identified in EPA's review primarily influence the importance of the direct brine release pathway and how the PA simulates those releases. EPA found that direct brine releases are strongly influenced by the degree of waste panel isolation. By treating the now-empty waste panel access drifts in the south end of the repository as retaining high permeability and porosity for the 10,000-year EPA regulatory period and discounting most of the isolation capabilities of the constructed panel seals that remained, the DOE's APCS methodology, described in Section VI.C.1 of this document, did not simulate the isolation of waste panels that is likely to exist. As a result, DOE's use of the APCS methodology in this CRA provided a conservative starting point for evaluating the sensitivity of releases to EPA concerns; that is, the APCS approach calculates higher releases than would be expected to occur. When the previously discussed non-conservative borehole plugging, chemistry, and microbial assumptions in the CRA were removed in EPA's sensitivity studies, the conservatisms of the APCS approach remained. Because of this, EPA believes that the sensitivity study results were influenced by the conservatism of the APCS approach and those results also conservatively estimated repository releases. EPA's CRA19_COMP analysis demonstrated that DOE's use of the APCS methodology in the CRA–2019 PA resulted in greater repository releases compared to modeling approaches that included parameters that assumed less porous and permeable access drifts due to creep closure. EPA's CRA19_COMB analysis subsequently demonstrated that when the cumulative effects of the Agency's parameter changes were added to DOE's CRA–2019 PA releases, total releases remained below regulatory limits.

In the past, DOE has used the previous CRA PA as the point of comparison with the current PA. However, given the issues identified by EPA for this PA, DOE should not use DOE's CRA–2019 assessment as a new baseline for WIPP performance without appropriate adjustments that address EPA's recertification review comments. EPA will work with DOE, as needed, to develop an appropriate model to use for comparisons with future PA calculations.

Summaries of each of the sensitivity studies are provided in the following subsections. More detailed analyses of these studies can be found in Section 4.0 of the EPA TSD *Overview of EPA Review of U.S. Department of Energy 2019 WIPP Compliance Recertification Application Performance Assessment* (Docket ID No. EPA–HQ–OAR–2019–0534).

1. Sensitivity to Creep Closure of Empty Rooms (CRA19_COMP Analysis)

EPA prepared the CRA19_COMP model to study the sensitivity of repository releases to access drift closure and disturbed rock zone (DRZ) healing due to salt creep of empty areas in the WIPP repository. This model supplemented DOE's CRA19_CL model [17] by treating the DRZ as immediately creep closing to the same properties of intact halite as the empty rooms. The results demonstrate that the CRA–2019 PA model using the APCS approach (*see* Section VI.C.1 of this document) calculated greater repository releases than if the empty repository rooms had been treated as fully creep closed to intact halite properties.

2. Sensitivity to Borehole Plugging Frequency (PLG_PROB Analysis)

The sensitivity of calculated repository releases to DOE's new approach to plugging pattern frequency was evaluated by EPA through a comparison of mean total releases calculated by DOE in the CRA–2019 PA, which used DOE's new approach, with mean total releases that would have been calculated in the CRA–2019 PA if the historic approach previously approved by EPA had been used. The results showed that DOE's new approach underestimated repository releases compared to the previous approach. Mean total releases in the PLG_PROB analysis increased from 0.06853 to 0.07924 EPA units at EPA's upper probability compliance point and from 0.7505 to 0.8954 EPA units at EPA's lower probability compliance point. The results of this sensitivity study showed that DOE's new approach materially affected calculated repository releases, though they remained within the regulatory release limits.

3. Sensitivity to Actinide Solubility (GCHM_S0 Analysis)

The GCHM_S0 calculations inform EPA how sensitive releases are to changes in baseline actinide solubility values. Recalculated baseline solubility values incorporated stability constants from an EPA-updated geochemical database and used changes in initial modeling assumptions about calcite precipitation (*see* Sections VI.D.1 and VI.D.2 of this document). These EPA-recalculated solubilities were verified by DOE in a separate calculation.[18] The resultant solubilities increased both +III and +IV actinide releases. The incorrect values in the database for the Am-, Mg-, and Ca-EDTA constants caused the biggest impact on actinide solubility, underestimating dissolved concentrations by approximately an order of magnitude for the +III actinides. When recalculated solubilities were incorporated into the PA, the results showed increases in direct brine releases and total releases. Mean total releases in the GCHM_S0 analysis increased from 0.06853 to 0.07788 EPA units at the EPA's upper probability compliance point and from 0.7505 to 1.186 EPA units at EPA's lower probability compliance point. EPA expects DOE to update the database and

[17] Zeitler, T.R., J. Bethune, S. Brunell, B. Day, D. Kicker, J. Long, and R. Sarathi. 2019. *Summary Report for the 2019 Compliance Recertification Application Performance Assessment (CRA–2019 PA).* 2019. Carlsbad, NM: Sandia National Laboratories. ERMS 571376.

[18] Domski, P.S., 2021. EPA Requested Changes to the CRA–2019 DPA Thermodynamic Database and Actinide Solubility Model. December 9, 2021. Sandia National Laboratory. ERMS 576365.

its assumptions regarding calcite precipitation for future PAs.

4. Sensitivity to Actinide Solubility and Colloid Parameters (GCHM_S2 Analysis)

EPA used the GCHM_S2 analysis to evaluate the impact of combining the increase in baseline +III actinide solubility in the GCHM_S0 analysis with updated microbial colloid parameters that are proportional to actinide solubility (*see* Section VI.C.4 of this document). This study also assessed the impact of increased intrinsic colloid values. The results showed that updating the colloid values noticeably increased calculated releases. Mean total releases in the GCHM_S2 analysis increased from 0.06853 to 0.09497 EPA units at EPA's upper probability compliance point and from 0.7505 to 1.238 EPA units at EPA's lower probability compliance point.

5. Sensitivity to Actinide Solubility, Colloid Parameters, and Actinide Oxidation State (GCHM_S3 Analysis)

GCHM_S3 is a CRA–2019 PA-based, comprehensive geochemistry sensitivity analysis that combines the impacts of a revised baseline actinide solubility, revised intrinsic and microbial colloid parameters, and revised actinide oxidation state parameters to include only Pu(III), Np(IV), and U(IV) oxidation states in all realizations. The combined chemistry parameter changes resulted in increased direct brine releases at all probabilities and increased total releases at low probabilities. The combined results of these changes showed that the chemical conditions assumed by DOE in the CRA–2019 PA led to lower projected repository releases than GCHM_S3. Mean total releases in the GCHM_S3 analysis increased from 0.06853 to 0.1165 EPA units at EPA's upper probability compliance point and from 0.7505 to 1.516 EPA units at EPA's lower probability compliance point.

6. Sensitivity to Combined Geotechnical and Geochemical Parameter Changes (CRA19_COMB Analysis)

While EPA conducted individual sensitivity analyses that looked at specific changes, the Agency also conducted a sensitivity study that encompassed all changes that EPA determined appropriate to incorporate into a summary PA designated as CRA19_COMB. This sensitivity study was based on the CRA–2019 PA but with the following parameter changes:

- Used the previously established methodology for calculating plugging pattern probabilities (*see* Section VI.C.2 of this document);
- Used revised actinide solubility parameters (*see* Section VI.C.3 of this document);
- Used revised colloid parameters (*see* Section VI.C.4 of this document);
- Used revised actinide oxidation state parameters (*see* Section VI.B.1 of this document).

The cumulative effects of the changes were to increase calculated total mean repository releases from 0.06853 to 0.1669 EPA units at EPA's upper probability compliance point and from 0.7505 to 1.766 EPA units at EPA's lower probability compliance point.

F. Waste Characterization

Section 194.24 generally requires DOE to identify, quantify and track the important chemical, radiological and physical components of the waste destined for disposal at the WIPP. DOE collects data from generator sites and compiles the waste inventory on an annual basis. DOE developed the waste inventory used in the PA using data provided in ATWIR (DOE 2018) [19] and PAIR 2018 (Van Soest 2018b).[20] The Comprehensive Inventory Database is used to store and manage all WIPP inventory data and is updated annually using data from the Waste Data System for emplaced WIPP waste, and data from the waste generator sites for anticipated waste.

The Agency evaluated DOE's inventory update process and documentation. EPA also conducted quality assurance (QA) and waste characterization inspections, observations and technical reviews between October 2012 and May 2017 to evaluate compliance with the requirements of 40 CFR 194.8 and 40 CFR 194.24. The Agency finds that DOE has a comprehensive array of QA procedures in place to ensure the accuracy of data published in the annual inventory reports. During EPA site visits, a number of records were reviewed and were found to be consistent with the relevant QA procedures. Based on DOE's inventory updating process, inventory reporting is being conducted in a manner that produces an inventory suitable for use in the PA.

The Agency examined the changes in the WIPP inventory since CRA–2014 and compared the CRA–2014 PA and CRA–2019 PA inventories, where appropriate. Changes in the inventory between the CRA–2014 PA and CRA–2019 PA have been adequately explained based on changes in waste stream information. The most significant changes include the addition of Waste Stream SR–KAC–PuOx, which increased the quantity of radioactivity (Pu-239 primarily), and projected waste packaging changes, mainly due to increased remote handled (RH) waste shielded containers, that have increased the amount of packaging steel and lead in the inventory.

The Agency notes that the SR–KAC–PuOx waste stream is composed of Pu oxides that have been downblended using a proprietary adulterant. CRA–2019 does not explicitly discuss the adulterant, but it is included in the calculations as part of the SR–KAC–PuOx waste stream. The downblended Pu waste form will contain, in addition to the Pu, iron-base metal alloys, inorganic materials, other non-ferrous metals, and plastics. EPA staff have been able to review a preliminary DOE report on the waste stream's impacts on repository compliance and conclude that the adulterant should not affect the repository conditions in any unique way for EPA's CRA–2019 recertification decision. Specifically, interactions of this waste stream with the repository will be heavily dominated by its high iron content, which is not expected to alter the expected repository chemical conditions represented in the PA.

The use of all inventory-related parameters in the PA was reviewed by EPA. All inventory-related parameters were correctly implemented in the PA. On the basis of its review, EPA concludes that DOE has appropriate QA procedures in place to accurately document the WIPP waste inventory on an annual basis. EPA further concludes that the PAIR 2018 inventory is appropriate for use in the CRA–2019 PA calculations.

EPA accepts this updated inventory, which is relatively similar to the one used in CRA–2014. These topics are discussed in more detail in TSD for § 194.24: *Review of The Baseline Inventory Used in the Compliance Recertification Application (CRA–2019)* (Docket ID No. EPA–HQ–OAR–2019–0534).

G. Peer Review

Section 194.27 requires DOE to conduct peer review evaluations, when warranted, of conceptual models, waste characterization analyses, and a comparative study of engineered barriers. The required peer reviews must be performed in accordance with the Nuclear Regulatory Commission's

[19] DOE (U.S. Department of Energy). 2018. *Annual Transuranic Waste Inventory Report—2018. Revision 0.* U.S. Department of Energy, Carlsbad Field Office, DOE/TRU–18–3425.

[20] Van Soest, G.D. 2018. *Performance Assessment Inventory Report—2018.* Los Alamos National Laboratory Carlsbad Operations INV–PA–18, Revision 0, December 12, 2018.

NUREG–1297, ''Peer Review for High-Level Nuclear Waste Repositories,'' which establishes guidelines for the conduct of a peer review exercise. DOE conducted no peer reviews for inclusion in CRA–2019.

H. Individual and Groundwater Protection Requirements

Sections 194.51 through 194.55 implement the individual protection requirements of 40 CFR 191.15 and the groundwater protection requirements of subpart C of 40 CFR part 191. Assessment of the likelihood that the WIPP will meet the individual dose limits and radionuclide concentration limits for groundwater is conducted through a process known as compliance assessment. Compliance assessment uses methods similar to those of performance assessment (for the containment requirements in 40 CFR 191.13 and appendix A) and can be considered a ''subset'' of performance assessment since it considers only natural (undisturbed) conditions and past or near-future human activities (such as existing boreholes) but does not include the long-term future human activities that are addressed in performance assessment.

In this CRA, DOE updated the data for groundwater quantity determination to define an underground source of drinking water for purposes of calculating groundwater concentrations and doses. DOE used 2016 U.S. Bureau of Census data to update the average number of persons per household to 2.51 and used 2013 data from the New Mexico Office of the State Engineer to update the average household water consumption to 272 gallons per person per day. DOE concluded that the sub-criterion of 5 gallons per minute rate of production from a well continued to accurately define an underground source of drinking water.

The updates made by DOE in CRA–2019 did not significantly impact the conclusions regarding the groundwater standard in the 1996 CCA. DOE did not change the criteria for making underground source of drinking water determinations. For the CRA–2019 evaluation, the maximum potential dose remained below the CCA calculated value, and DOE concluded that continued compliance with the individual protection standard is maintained. EPA found that DOE is in continued compliance with 40 CFR 194.51 through 194.55 requirements.

VII. What is EPA's role in future WIPP activities?

EPA's regulatory role at the WIPP does not end with this recertification decision. The Agency's future WIPP activities include recertifications every five years (the next scheduled to be submitted by DOE in March 2024), review of DOE reports on conditions and activities at the WIPP, assessment of waste characterization, quality assurance programs at waste generator sites, announced and unannounced inspections of the WIPP and other facilities and, if necessary, modification, revocation or suspension of the certification.

Although not required by the Administrative Procedure Act, the WIPP LWA, or the WIPP Compliance Criteria, the EPA intends to continue to make all inspection or audit reports and annual reports and other significant documents on conditions and activities at the WIPP, as well as formal communications between the two agencies available in the public docket.

Jonathan Edwards,

Director, Office of Radiation and Indoor Air.

[FR Doc. 2022–09209 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R09–RCRA–2021–0628; FRL–FRL–9760–02–R9]

Hawaii: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action on the authorization of Hawaii's changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes correspond to certain Federal rules promulgated between July 1, 2016, and June 30, 2020, (also known as RCRA Clusters XXV to XXVIII) and for authorization of state-initiated changes that are equivalent to or more stringent than the Federal program. We have determined that these changes satisfy all requirements needed for final authorization.

DATES: This authorization is effective on July 5, 2022 without further notice, unless the EPA receives adverse comment by June 2, 2022. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the authorization will not take effect.

ADDRESSES: All documents in the docket are listed in the *www.regulations.gov* index. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy. You may also view Hawaii's application by contacting the Hawaii Department of Health Solid and Hazardous Waste Branch at (808) 586–4226, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Instructions: Submit your comments to EPA, identified by Docket ID No. EPA–R09–RCRA–2021–0628, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. 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). The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Dani Allen-Williams, *AllenWilliams.dani@epa.gov,* 415–972–3800.

SUPPLEMENTARY INFORMATION:

A. Why is the EPA using a direct final authorization?

The EPA is publishing this authorization without a prior proposal because we view this as a noncontroversial action and anticipate no adverse comment. This action is a routine program change. However, in the ''Proposed Rules'' section of this issue of the **Federal Register**, we are publishing a separate document that will serve as the proposed rulemaking allowing the public an opportunity to comment. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this authorization, see the **ADDRESSES** section of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final authorization will not take effect. We will address all public comments in a subsequent final authorization and base any further decision on the authorization of the state program changes after considering all comments received during the comment period.

B. Why are revisions to State programs necessary?

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, states must change their programs and ask the EPA to authorize the changes. Changes to state programs may be necessary when Federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA) take effect in authorized states at the same time they take effect in unauthorized states. Thus, the EPA will implement those requirements and prohibitions in Hawaii, including the issuance of new permits implementing those requirements, until the State is granted authorization to do so.

C. What decisions has the EPA made in this authorization?

Hawaii submitted a complete program revision application dated October 15th, 2021, seeking authorization of changes to its hazardous waste program corresponding to certain Federal rules promulgated between July 1, 2016, and June 30, 2020, plus state-initiated changes discussed in Section G below. The EPA concludes that Hawaii's application to revise its authorized program meets all of the statutory and regulatory requirements established under RCRA, as set forth in RCRA section 3006(b), 42 U.S.C. 6926(b), and 40 CFR part 271. Therefore, the EPA proposes to grant Hawaii final authorization to operate its hazardous waste program with the changes described in the authorization application, and as outlined below in section F of this document.

Hawaii has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its program revision application, subject to the limitations of HSWA, as discussed above.

D. What is the effect of this authorization decision?

The effect of this decision is that the changes described in Hawaii's authorization application will become part of the authorized State hazardous waste program and will therefore be federally enforceable. Hawaii will continue to have primary enforcement authority and responsibility for its State hazardous waste program. The EPA will maintain its authorities under RCRA sections 3007, 3008, 3013, and 7003, including its authority to: Conduct inspections, and require monitoring, tests, analyses, and reports; enforce RCRA requirements, including authorized State program requirements, and suspend or revoke permits; and take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which the EPA is authorizing Hawaii are already effective under State law and are not changed by this action.

E. What has Hawaii previously been authorized for?

Hawaii initially received final authorization on November 13th, 2001, (66 FR 55115) to implement its base hazardous waste management program. Hawaii received authorization for revisions to its program on August 28, 2018 (83 FR 43772).

F. What changes is the EPA authorizing with this action?

Hawaii submitted a final complete program revision application to EPA dated October 15th, 2021, seeking authorization of changes to its hazardous waste program that correspond to certain Federal rules promulgated between July 1, 2016, and June 30, 2020, (also known as RCRA Clusters XXV to XXVIII) and for authorization of state-initiated changes that are equivalent to or more stringent than the Federal program. EPA proposes to determine, subject to receipt of written comments that oppose this action, that Hawaii's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the Federal program, and therefore satisfy all the requirements necessary to qualify for authorization. Hawaii incorporates by reference the Federal RCRA regulations in effect as of July 1, 2020, in Hawaii Administrative Rules (HAR) Chapters 11–260.1 to 11–279.1 (effective June 07, 2021). The applicable Federal rules and analogous State rules are identified in the table below.

Federal hazardous waste requirements	Analogous State authority
40 CFR parts 260–266, 268, 270, 273, 279, effective July 1, 2020.	Hawaii Administrative Rules (HAR) chapters 11–260.1–266.1, 11–268.1, 11–270.1, 11–273.1, 11–279.1, effective June 07, 2021.
40 CFR Part 124 subparts A and B effective July 1, 2020.	HAR chapter 11–271.1, effective June 07, 2021.

G. Where are the revised State rules different than the Federal rules?

Under RCRA section 3009, the EPA may not authorize state rules that are less stringent than the Federal program. Any state rules that are less stringent do not supplant the Federal regulations. State rules that are broader in scope than the Federal program requirements are allowed but do not become part of the enforceable Federal program. State rules that are equivalent to or more stringent than the Federal program may be authorized, in which case they are enforceable by the EPA.

This section does not discuss the program differences previously published in Hawaii's previous program authorization in 2018, at 83 FR 43772 (Aug. 28, 2018). Areas identified in the 2018 program authorization as more stringent or broader in scope than the Federal program have been carried forward into the new regulations as amendments or additions to the incorporation by reference of the Federal regulations. This section discusses new State requirements that are equivalent to or more stringent than the Federal program and thus authorized.

1. Solar Panel Universal Waste

The state has added ''solar panels'' to chapter HAR 11–273.1, as a category of universal waste and defined waste management and labeling/marking requirements for this type of universal waste. Many different types of solar panels may be toxicity characteristic hazardous waste due to the presence and concentration of one or more metals or metalloids (*e.g.,* arsenic, cadmium, chromium, copper, lead, selenium, silver). The state also determined that solar panels (as defined in chapters HAR 11–260.1 and 11–273.1) as a category meet the criteria of 40 CFR 273.81. EPA allows authorized states to create regulations for state-only universal wastes provided that these criteria are met for the waste or waste category, including the key requirements that universal waste management is sufficiently protective of human health and the environment and that regulation as universal waste increases the likelihood of similar unregulated wastes (such as Very Small Quantity Generators (VSQG) or household wastes) being diverted from non-hazardous to hazardous waste management systems. The state regulations defining solar panels and associated management standards were crafted based on comparable universal waste regulations proposed and/or codified by other authorized state hazardous waste programs.

2. Removal of Electronic Nicotine Delivery Systems (ENDS) From the Definition of Pharmaceutical

EPA's ''Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine'' rule (84 FR 5816 (Feb. 22, 2019)) establishes streamlined standards for handling hazardous waste pharmaceuticals to better fit the operations of the healthcare sector while maintaining protection of human health and the environment. In the Federal rule, the definition ''pharmaceutical'' includes ''any electronic nicotine delivery system (*e.g.,* electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (*e.g.,* pre-filled cartridges or vials).'' This inclusion of electronic nicotine delivery systems (ENDS), including e-liquids, in the definition ''pharmaceutical'' also means that retailers of ENDS are included in the Federal definition ''healthcare facility.'' The State has adopted definitions that separate ENDS from pharmaceuticals and ENDS retailers from healthcare facilities. The management standards for handling these wastes remain the same as those in the Federal rules, making the State rule functionally equivalent.

3. Emergency Telephone Numbers

The State allows the use of emergency telephone numbers (which may be a work cell phone) in lieu of home addresses and phone numbers for emergency coordinators in contingency plans for Treatment, Storage, and Disposal Facilities in 40 CFR 264.52(d), as incorporated and amended in chapter HAR 11–264.1. This is consistent with the change made to contingency plans for generators as part of EPA's Generator Improvements Rule.

4. Regulatory Clarifications

a. Applicability of Solvent-Contaminated Wipes Exclusions

A reference to the definition of solvent-contaminated wipes (in 40 CFR 260.10, as incorporated and amended in chapter HAR 11–260.1,) is added to 40 CFR 261.4(a)(26) and (b)(18), as incorporated and amended in chapter HAR 11–261.1, to clarify the scope of these conditional exclusions.

b. Generator Improvement Rule Cross-References

Remaining cross-references to 40 CFR 261.5 and 262.34, sections that were removed by the Generator Improvements Rule, have been corrected throughout the State rules.

c. Pharmaceuticals Waste Codes for Manifests

The State rules allow healthcare facilities to use either the four-character code ''PHRM'' or the word/code ''PHARMS'' in block 13 of the uniform hazardous waste manifest (40 CFR 266.508, as incorporated and amended in chapter HAR 11–266.1). The Federal rules currently require ''PHARMS,'' but data system limitations have led EPA to issue guidance allowing the use of either code.

d. References to 40 CFR Parts 271 and 272

40 CFR part 271 contains the requirements for state program authorization and some state programs are codified in 40 CFR part 272. The State regulations do not incorporate or contain equivalents to 40 CFR parts 271 and 272, so the State has removed cross-references to these parts from chapters HAR 11–260.1 to 11–273.1.

e. Applicable Rules for Non-Hazardous Contents Drained From Aerosol Cans

The State has changed ''or'' to ''and'' in ''applicable Federal, State, *and* local solid waste regulations'' in 40 CFR 273.13(e)(4)(vi) and 273.33(e)(4)(vi), as incorporated and amended in chapter HAR 11–273.1. This clarifies the Federal intent that all applicable solid waste regulations apply to the non-hazardous contents drained from universal waste aerosol cans.

H. Who handles permits after the authorization takes effect?

Hawaii will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. Section 3006(g)(1) of RCRA, 42 U.S.C. 6926(g)(1), gives EPA the authority to issue or deny permits or parts of permits for requirements for which the State is not authorized. Therefore, whenever EPA adopts standards under HSWA for activities or wastes not currently covered by the authorized program, EPA may process RCRA permits in Hawaii for the new or revised HSWA standards until Hawaii has received final authorization for such new or revised HSWA standards.

1. What is codification and is the EPA codifying Hawaii's hazardous waste program as authorized in this authorization?

Codification is the process of placing citations and references to the state's statutes and regulations that comprise the state's authorized hazardous waste

program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized state rules in 40 CFR part 272. The EPA is not codifying the authorization of Hawaii's revisions at this time. However, the EPA reserves the ability to amend 40 CFR part 272, subpart L, for the authorization of Hawaii's program changes at a later date.

J. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes state requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by state law. Therefore, this action is not subject to review by OMB. I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes state requirements as part of a state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA section 3006(b), the EPA grants a State's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this authorization, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b). Executive Order 12898 (59 FR 7629, February 16, 1994), as amended by Executive Order 14008 (86 FR 7619, February 1, 2021), establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this action authorizes pre-existing state rules that are at least equivalent to, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, this authorization is not subject to Executive Order 12898.

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

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Dated: April 25, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–09430 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[GN Docket No. 13–111; FCC 21–82; FR ID 84137]

Promoting Technological Solutions To Combat Contraband Wireless Device Use in Correctional Facilities

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved the information collection requirements under OMB Control Number 3060–1299 associated with the Commission's rules adopted in the *Second Report and Order,* FCC 21–82, governing the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria, and the advance notice of certain wireless provider network changes to promote and maintain contraband interdiction system effectiveness, and that compliance with

these rules is now required. This document is consistent with the *Second Report and Order,* which states that the Commission will publish a document in the **Federal Register** announcing the effective date for these revised rule sections and revise the rules accordingly.

DATES: Instruction 3 amending 47 CFR 20.23 by adding paragraphs (b) through (d), in the final rule published at 86 FR 44635 on August 13, 2021, is effective May 3, 2022.

FOR FURTHER INFORMATION CONTACT: Cathy Williams, Office of the Managing Director, Federal Communications Commission, at (202) 418–2918 or *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that OMB approved the information collection requirements in 47 CFR 20.23 on February 3, 2022. This rule section was adopted in the *Second Report and Order,* FCC 21–82. The Commission publishes this document as an announcement of the immediate effective date for these revised rules.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on February 3, 2022, for the information collection requirements contained in 47 CFR 20.23. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in 47 CFR 20.23 is 3060–1299.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1299.

OMB Approval Date: February 3, 2022.

OMB Expiration Date: February 28, 2025.

Title: Section 20.23(b)(1), (3)–(5), (7); (c)(1)–(2), (3), (3)(iii)–(iv), (4)(i)–(ii), (v); and (d), Contraband wireless devices in correctional facilities.

Form Number: N/A.

Respondents: Business or other for-profit entities, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 531 respondents and 16,389 responses.

Estimated Time per Response: 1 hour–10 hours.

Frequency of Response: One-time application and self-certification response, one-time DCFO authorization request response, on occasion qualifying request response, on occasion reversal response, recordkeeping requirement, third party notification requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 1, 2, 4(i), 4(j), 301, 302, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

Estimated Total Annual Burden: 142,568 hours.

Total Annual Cost: No costs.

Needs and Uses: On July 13, 2021, the Commission released a Second Report and Order and Second Further Notice of Proposed Rulemaking, Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities, GN Docket No. 13–111, in which the Commission took further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. In the Second Report and Order, the Commission adopted a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria. The Commission further addressed issues involving oversight, wireless provider liability, and treatment of 911 calls. Finally, the Commission adopted rules requiring advance notice of certain wireless provider network changes to promote and maintain contraband interdiction system effectiveness.

In establishing rules requiring wireless providers to disable contraband wireless devices in correctional facilities and adopting a framework to enable designated correctional facility officials (DCFOs) relying on an authorized Contraband Interdiction System (CIS) to submit qualifying requests to wireless providers to disable contraband wireless devices in qualifying correctional facilities, the Commission found that a rules-based process will provide a valuable additional tool for departments of corrections to address contraband wireless device use. The framework includes a two-phase authorization process: (1) CIS applicants will submit applications to the Wireless Telecommunications Bureau (Bureau) describing the legal and technical qualifications of the systems; and (2) CIS applicants will perform on-site testing of approved CISs at individual correctional facilities and file a self-certification with the Commission. After both phases are complete, DCFOs will be authorized to submit qualifying requests to wireless providers to disable contraband devices using approved CISs at each correctional facility. In addition, the Commission adopted rules requiring wireless providers to notify certain types of CIS operators of major technical changes to ensure that CIS effectiveness is maintained. The Commission found that these rules will provide law enforcement with the tools necessary to disable contraband wireless devices, which, in turn, will help combat the serious threats posed by the illegal use of such devices.

The new information collection in 47 CFR 20.23(b)(1) regarding the application to obtain new CIS certification will be used by the Bureau to determine whether to certify a system and ensure that the systems are designed to support operational readiness and minimize the risk of disabling a non-contraband device, and ensure, to the greatest extent possible, that only devices that are in fact contraband will be identified for disabling. Bureau certification will also enable targeted industry review of solutions by allowing interested stakeholders to provide feedback on the application for certification, including the proposed test plan.

The new collections in 47 CFR 20.23(b)(3) include the requirement that the CIS operator must file with the Bureau a self-certification that complies with paragraph (b)(3)(ii) of section 20.23, confirming that the testing at that specific correctional facility is complete and successful, and the CIS operator must serve notice of the testing on all relevant wireless providers prior to testing and provide such wireless providers a reasonable opportunity to participate in the tests. Self-certification will help the Bureau to ensure that qualifying requests identify contraband wireless devices accurately and in accordance with legal requirements. In addition to being used by the Bureau, the self-certification will be relied upon by the DCFO in conjunction with qualifying requests for disabling at a particular correctional facility. The serving of notice to the wireless providers will give them awareness and an opportunity to participate in the process.

The new information collections in 47 CFR 20.23(b)(4) afford wireless providers an opportunity to object to the certification filing made after individual site-testing is complete, while requiring objections to be served on the DCFO and the CIS operator. Section 20.23(b)(5) requires that CIS operators retest and recertify their systems at least every three years and comply with the same requirements as for initial self-certification. This requirement will enable the Bureau to ensure the ongoing accuracy and reliability of a given CIS at a particular facility. Section 20.23(b)(7) requires that a CIS operator retain records for at least five years and provide them upon request to the Bureau, which will support the Bureau's efforts to identify issues with CIS operations, resolve interference issues, and resolve complaints related to misidentification of contraband devices.

The new collections in 47 CFR 20.23(c)(1)–(2) include the requirement that individuals that seek to be recognized on the Commission's DCFO list must send a letter to the Contraband Ombudsperson in order for the Commission to approve that person for the qualified DCFO list and provide certainty to wireless providers that disabling requests are made by duly authorized individuals. Qualifying requests that include the required information will be used by wireless carriers to prevent use of contraband devices on their network and on other wireless provider networks.

The new collections in 47 CFR 20.23(c)(3) and (c)(3)(iii)–(iv) provide that, upon receiving a disabling request from a DCFO, the wireless provider must verify the request, may conduct customer outreach, either reject or grant the request and must notify the DCFO whether it is accepting or rejecting the request. This process ensures that a wireless provider responds to a DCFO within a reasonable timeframe—while giving the provider an opportunity to determine if there is an error—and to give the DCFO time to respond quickly if the request has been rejected. The wireless provider may contact the customer of record to notify them of the disabling and involve them in the process.

The new collections in 47 CFR 20.23(c)(4) provide that a wireless provider may reverse a disabled device where it determines that the device was erroneously identified as contraband, and the wireless provider must notify the DCFO of the reversal. The wireless provider may choose to involve the DCFO in the review and reversal process. The DCFO must also provide notice to the Contraband Ombudsperson of the number of erroneously disabled devices. This process ensures the integrity of the contraband device disabling process by giving the wireless provider the opportunity to reverse a disabled device—with the ability to extend review to the DCFO—and by creating safeguards to make sure that the process is efficient and reliable.

The new collections in 47 CFR 20.23(d) regarding notification from CMRS licensees to MAS operators of technical changes to their network are required so that MAS operators are given sufficient time to make necessary adjustments to maintain the effectiveness of their interdiction systems. In order to ensure that issues regarding notification to solutions providers of more frequent, localized wireless provider network changes are appropriately considered, CMRS licensees and MAS operators must negotiate in good faith to reach an agreement for notification for those types of network adjustments not covered by the notice requirement. CMRS licensees must provide notice of technical changes associated with an emergency immediately after the exigency to ensure that MAS operators continue to be notified of network changes that could impact MAS effectiveness.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2022–09203 Filed 5–2–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2022–0021; FF09E22000 FXES1113090FEDR 223]

RIN 1018–BG60

Endangered and Threatened Wildlife and Plants; Removing Siderastrea glynni From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), in accordance with the Endangered Species Act of 1973, as amended (Act), are amending the List of Endangered and Threatened Wildlife (List) by removing the coral *Siderastrea glynni.* This amendment is based on a previously published determination by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for this species.

DATES: This rule is effective May 3, 2022.

Applicability date: The delisting of *S. glynni* was effective January 31, 2022.

ADDRESSES: This rule and the NMFS proposed and final rules may be found online at *https://www.regulations.gov* in Docket No. FWS–HQ–ES–2022–0021.

FOR FURTHER INFORMATION CONTACT: Elizabeth Maclin, Chief, Branch of Delisting and Foreign Species, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; 703–358–2646.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Act (16 U.S.C. 1531 *et seq.*) and Reorganization Plan No. 4 of 1970 (35 FR 15627; October 6, 1970), NMFS has jurisdiction over the marine taxon specified in this rule. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as an endangered or threatened species. Under section 4(a)(2)(B) of the Act, if NMFS determines that a species should be removed from the List (delisted), or that a species' status should be changed from an endangered to a threatened species, then NMFS is required to recommend the status change to the Service. NMFS makes these determinations via its rulemaking process. If the Service concurs with the recommended status change, then the Service will implement the status change by publishing a final rule to amend the List in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h).

On May 4, 2021, NMFS published a proposed rule (86 FR 23657) to remove *S. glynni* from the Federal List of Endangered and Threatened Wildlife. NMFS solicited public comments on the proposed rule through July 6, 2021. On December 30, 2021, NMFS published a final rule (86 FR 74378) to remove *S. glynni* from the Federal List of Endangered and Threatened Wildlife.

The delisting of *S. glynni* was effective January 31, 2022. In the December 30, 2021, final rule (86 FR 74378), NMFS addressed all public comments received in response to the proposed rule. By publishing this final rule, we are simply taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

Administrative Procedure Act

Because NMFS provided an opportunity for public comment on the proposed rule for this taxon, and we concur with the NMFS action, we find good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. The NMFS rule removed protection under the Act for this species and removed the species from the List at 50 CFR 224.101(h); this rule is an administrative action to remove the species from the List at 50 CFR 17.11(h). The public would not be served by delaying the effective date of this rulemaking action.

Required Determinations

National Environmental Policy Act

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

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

§ 17.11 [Amended]

■ 2. Amend § 17.11 in paragraph (h) in the List of Endangered and Threatened Wildlife under Corals by removing the entry for ''Coral, (no common name) (*Siderastrea glynni*)''.

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–09424 Filed 5–2–22; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 87, No. 85
Tuesday, May 3, 2022

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2022–0183; Notice No. 29–22–01–SC]

Special Conditions: The Boeing Company, Leonardo S.p.a. Model AW139 Helicopter; Use of New Hovering Out of Ground Effect Utility Power on the Model AW139 Helicopter

AGENCY: Federal Aviation Administration (FAA), Transportation (DOT).

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Leonardo S.p.a. (Leonardo) Model AW139 helicopter. This helicopter as modified by The Boeing Company (Boeing) will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for helicopters. This design feature incorporates a 2.5-minute all engines operating (AEO) power restricted for use at helicopter operating speeds below 60 knots indicated airspeed (KIAS), and hovering out of ground effect (HOGE). This power is referred to as 2.5-minute HOGE utility power (HUP), or 2.5-minute HUP. The 2.5-minute HUP is greater than the transmission power limitations associated with takeoff and AEO. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before June 17, 2022.

ADDRESSES: Send comments identified by Docket No. FAA–2022–0183 using any of the following methods:

- *Federal eRegulations Portal:* Go to *https://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (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 FAA will also post a report summarizing each substantive verbal contact received about these proposed special conditions.

Confidential Business Information: 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 Notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this Notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of this Notice. Submissions containing CBI should be sent to Dorina Mihail, Propulsion and Energy Section, AIR–624, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7153; fax 781–238–7199; email *Dorina.Mihail@faa.gov.* Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for this rulemaking.

Docket: Background documents or comments received may be read at *https://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dorina Mihail, Propulsion and Energy Section, AIR–624, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1200 District Avenue, Burlington, MA 01803; telephone 781–238–7153; fax 781–238–7199; email *Dorina.Mihail@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On September 18, 2020, Boeing applied for a supplemental type certificate for performance envelope expansion of the Leonardo Model AW139 helicopter. The AW139 helicopter as changed, is a medium twin-engine 14 CFR part 29 transport category B helicopter with a 15,521 pounds (7040 Kg) maximum takeoff weight and a maximum seating capacity of nine passengers and two crew. This helicopter takeoff and landing altitude is 10,000 feet density altitude (Hd), and the forward flight altitude is 11,000 feet Hd. This helicopter has the capability for Category II instrument landing system (ILS) approaches. The Model AW139 helicopter as changed will be equipped with two PT6C–67C1 engines. The Model AW139 helicopter as

changed will have a 2.5-minute HUP for use in HOGE that exceeds the transmission power limitations associated with takeoff and AEO.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Boeing must show that the Leonardo Model AW139 helicopter, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. R00002RD, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The proposed certification basis for this supplemental type certificate is as follows:

14 CFR 21.29 and part 29, Amendment 29–1 through Amendment 29–45 with 14 CFR 29.25, 29.143, 29.173, 29.175, 29.177 at Amendment 29–51, and 14 CFR 29.773 at Amendment 29–57.

Equivalent Level of Safety Findings issued against:

14 CFR 29.1305, as documented in the AB139 FAA Memo, dated December 20, 2004.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the Leonardo Model AW139 helicopter because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Leonardo Model AW139 helicopter must comply with the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The Leonardo Model AW139 helicopter will incorporate a novel or unusual design feature which is a 2.5-minute AEO power that is greater than the transmission takeoff power limitations associated with takeoff and AEO. This power is restricted for use when HOGE and at helicopter operating speeds below 60 KIAS. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature.

Discussion

The design feature will incorporate a 2.5-minute HUP that allows the pilot to enter HOGE, operate in HOGE, and depart from HOGE at high altitudes and ambient atmospheric temperatures. The use of the 2.5-minute HUP is limited to periods of no longer than 2.5 minutes each use, under AEO conditions, at helicopter operating speeds below 60 KIAS and HOGE. Use of the 2.5-minute HUP is not part of, or combined with a takeoff operation.

Helicopter operation at the 2.5-minute HUP will use the engine power higher than the rated maximum continuous power and limits but lower than the rated takeoff power and limits and do not exceed the 5 minute takeoff rating for which the engines are type certificated. Existing part 33 regulations for the engines are adequate for the proposed helicopter 2.5-minute HUP.

Use of the 2.5-minute HUP exceeds the helicopter transmission power limitations associated with takeoff and AEO. Existing part 29 regulations do not recognize helicopter operation that exceeds the transmission power limitations associated with takeoff and AEO. The special conditions that the FAA proposes to address the use of the 2.5-minute HUP on this model of helicopter, as modified by Boeing, are as follows.

The Rotorcraft Flight Manual must specify that the use of the 2.5-minute HUP is limited to periods no longer than 2.5 minutes each, under AEO conditions, at helicopter operating speeds below 60 KIAS and HOGE. Additionally, the Rotorcraft Flight Manual must specify that use of the 2.5-minute HUP is not part of, or combined with, a takeoff operation.

The requirement added to § 29.49(c) provides for the development of helicopter performance data for 2.5-minute HUP utilization.

The testing requirement added to § 29.923(d) consists of two applications of 2.5-minute HUP torque and the maximum speed per 10-hour cycle. The 10-hour cycle represents a run of 10 hours in length that is repeated 20 times, for a total of (at least) 200 hours of endurance testing as required by § 29.923(a). Therefore, the testing added to § 29.923(d) provides for 40 applications of the 2.5-minute HUP during the 200-hour endurance test specified in § 29.923(a). This testing is added to § 29.923(d) ''Endurance tests; 90 percent of maximum continuous run,'' since the 2.5-minute HUP is not part of, or combined with, a takeoff operation, as stated in these special conditions and is expected to be used during mid-mission.

The flight-test requirement added to § 29.1049 is intended to address the hovering cooling provisions at the 2.5-minute HUP and HOGE following thermal stabilization at maximum weight, mission representative power, maximum altitude, and ambient temperatures specified in § 29.1043(b). The flight-test continues with cycling in and out of the HUP mode, in a manner representative of the intended use of the 2.5-minute HUP, per the instructions specified in the Rotorcraft Flight Manual. The repeated successive HUP applications and time duration between HUP cycles result in the most critical condition for the cooling provisions required by § 29.1041(a) and (b). The flight-test continues with departing the hover and transitioning to a maximum continuous power climb at the best rate of climb speed. Climb is continued for 5 minutes after the highest temperatures are observed or until the service ceiling is reached.

The requirements added to § 29.1305 are means for the pilot to identify when the 2.5-minute HUP level is achieved, when the event begins, and when the time interval expires. These means will assist the pilot in managing the 2.5-minute HUP short time duration in a pilot high-workload environment.

The requirements added to § 29.1521 are similar to the powerplant limitations for takeoff operations in § 29.1521(b), modified to reflect the 2.5-minute HUP.

The requirement added to § 29.1587(b)(8) will require publishing the performance data developed under paragraph (b) of these special conditions in the Rotorcraft Flight Manual. These data must be clearly referenced to the appropriate hover charts and specify that they are not to be used for take-off or landing determinations.

These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these proposed special conditions are applicable to the Leonardo Model AW139 helicopter. Should Boeing apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. R00002RD, to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Leonardo Model AW139 helicopter. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the helicopter.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the Leonardo S.p.a. Model AW139 helicopter, as modified by The Boeing Company.

(a) The Rotorcraft Flight Manual must state the following:

(1) Use of the 2.5-minute Hovering Out of Ground Effect (HOGE) Utility Power (2.5-minute HUP) is limited to a period no longer than 2.5 minutes each, under all engine operating (AEO) conditions, at helicopter operating speeds below 60 knots indicated airspeed (KIAS) and HOGE.

(2) Use of the 2.5-minute HUP is not part of, or combined with, a takeoff operation.

(b) In addition to the requirements of § 29.49(c), the out-of-ground effect hover performance must be determined over the ranges of weight, altitude, and temperatures for which certification is requested with the 2.5-minute HUP.

(c) In addition to the requirements of § 29.923(d) when performing the endurance test, the 2.5 minute all engines operating must be performed using two applications of 2.5-minute HUP torque and the maximum speed for use with 2.5-minute HUP torque, per 10-hour cycle.

(d) In addition to the requirements of § 29.1049, the hovering cooling provisions at the 2.5-minute HUP must be shown as follows—

(1) Conduct a thermal stabilization at maximum weight, mission representative power, maximum altitude, and ambient temperatures specified in § 29.1043(b); following stabilization, increase power to the 2.5-minute HUP and HOGE for a duration of 2.5 minutes (150 seconds).

(2) Cycle in and out the HUP mode in a manner representative of the intended use of the 2.5-minute HUP, and per the instructions specified in the Rotorcraft Flight Manual, if any. The HUP cycles should account for repeated successive HUP applications and time duration between HUP cycles resulting in the most critical condition for the cooling provisions required by § 29.1041(a) and (b).

(3) Following the tests in paragraphs (d)(1) and (2) of these special conditions, depart the hover and transition to a maximum continuous power climb at the best rate of climb speed. Continue the climb until 5 minutes after the highest temperatures are observed or until the service ceiling is reached.

(e) In addition to the requirements of § 29.1305, the pilot must have the means to identify the 2.5-minute HUP time limit associated with its use as follows—

(1) When the power level is achieved,

(2) when the event begins, and

(3) when the time interval expires.

These indications must be clear and unambiguous to the pilot and must not cause pilot confusion. The use of these indications must be evaluated in operationally relevant scenarios in accordance with § 29.1523 for crew workload.

(f) In addition to the requirements of § 29.1521, the use of the 2.5-minute HUP must be limited by the following:

(1) The maximum rotational speed, which may not be greater than—

(i) The maximum value determined by the rotor design, or

(ii) The maximum value demonstrated during the type tests.

(2) The maximum allowable turbine inlet or turbine outlet gas temperature (for turbine engines).

(3) The maximum allowable power or torque for each engine, considering the power input limitations of the transmission with all engines operating.

(4) The maximum allowable power or torque for each engine considering the power input limitations of the transmission with one engine inoperative;

(5) The time limit for the use of the power corresponding to the limitations established in paragraphs (f)(1) through (4) of these special conditions.

(6) The maximum allowable engine and transmission oil temperatures, if the time limit established in paragraph (f)(5) of these special conditions exceeds 2 minutes.

(7) Use of 2.5-minute HUP is limited to HOGE only.

(g) In addition to the requirements of § 29.1587(b)(8), the Rotorcraft Flight Manual must contain the out-of-ground effect hover performance determined under paragraph (b) of these special conditions, and the maximum safe wind demonstrated under the ambient conditions for the data presented. In addition, the Rotorcraft Flight Manual must include the maximum weight for each altitude and temperature condition at which the rotorcraft can safely hover out-of-ground-effect in winds not less than 17 knots from all azimuths. These data must be clearly referenced to the appropriate hover charts and specify that they are not to be used for take-off or landing determinations.

Issued in Kansas City, Missouri, on April 28, 2022.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2022–09488 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2022–0222]

RIN 1625–AA09

Drawbridge Operation Regulation; Okeechobee Waterway, Stuart, FL

AGENCY: Coast Guard, DHS.

ACTION: Notification of inquiry, request for comments.

SUMMARY: The Coast Guard is seeking information and comments on a proposed change to the operating regulations for the Florida East Coast (FEC) Railroad Bridge, mile 7.4, and the SR 707 (Dixie Hwy) Bridge, mile 7.5, across the Okeechobee Waterway (OWW), at Stuart, Florida. In anticipation of passenger rail service across the FEC Railroad Bridge, the Coast Guard intends to propose a change that will allow the drawbridge to operate on a more predictable schedule. The Coast Guard intends to propose a similar operating schedule for the adjacent SR 707 (Dixie Hwy) Bridge. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must reach the Coast Guard on or before July 5, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0222 using Federal Decision Making Portal at *https://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the

SUPPLEMENTARY INFORMATION section below for instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
§ Section Symbol
U.S.C. United States Code
FEC Florida East Coast
SR State Route
WAMS Waterways Analysis and Management System
OWW Okeechobee Waterway
HWY Highway

II. Background, Purpose and Purpose

The FEC Railroad Bridge across the OWW, mile 7.4, at Stuart, Florida is a single-leaf bascule railroad bridge with a six-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.317(c).

The SR 707 (Dixie Hwy) Bridge across the OWW, mile 7.5, at Stuart, Florida is a double-leaf bascule bridge with a 14-foot vertical clearance at mean high water in the closed position. The normal operating schedule for the bridge is found in 33 CFR 117.317(d). Navigation on the waterway is commercial and recreational.

In response to All Aboard Florida Railway's (Brightline) expansion project development and environmental study, U.S. Coast Guard Sector Miami Waterways Management Office conducted a Waterways Analysis and Management System (WAMS) review of the Intracoastal Waterway from miles 925–1005 in 2018. The WAMS included a focused review of the railroad bridges over the St Lucie River (OWW) and Loxahatchee River. The WAMS concluded that, with the addition of passenger rail service, the FEC Railroad Bridge over the OWW would create an unreasonable obstruction to navigation if operated under the current regulation, 33 CFR 117.317(c). U.S. Coast Guard Captain of the Port Miami, based on the WAMS, recommended the regulation for the railroad bridge be changed to allow for reasonable usage of competing modes of transportation and provide a predictable opening schedule.

III. Information Requested

To aid us in further developing a proposed rule, we seek responses from waterway users to the following questions:

(1) Do you currently transit through the FEC Railroad Bridge crossing the Okeechobee Waterway, mile 7.4, at Stuart, Florida?

(2) How often do you transit this waterway?

(3) If railway traffic impedes your navigation of this area, how long are you normally delayed?

(4) How would you propose to regulate the balance of railway and maritime traffic in this area?

(5) What challenges have you experienced when transiting this area due to these bridges and/or railway activity?

(6) Is a 15 minute hourly opening schedule sufficient for marine traffic? If not, please explain why.

(7) Should the SR 707 (Dixie Hwy) Bridge opening schedule mirror the operating schedule of the FEC Railroad Bridge?

IV. Public Participation and Request for Comments

We encourage you to submit comments in response to this notice of inquiry through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0222 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. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation. If your material cannot be submitted using *https://www.regulations.gov* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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 may choose not to post off-topic, inappropriate, or duplicate comments that we receive. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

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 in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We may hold a public meeting, if necessary, to receive oral comments on this Notice of Inquiry and will announce the date, time, and location in a separate document published in the **Federal Register**. If you signed up for docket email alerts mentioned in the paragraph above, you will receive an email notice when the public meeting notice is published and placed in the docket.

This document is issued under authority of 5 U.S.C. 552(a); 33 U.S.C. 499.

Dated: April 22, 2022.

Brendan C. McPherson,

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

[FR Doc. 2022–09378 Filed 5–2–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 2, 59, 60, 80, 85, 86, 87, 600, 1027, 1030, 1033, 1036, 1037, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, 1066, 1068, and 1090

[EPA–HQ–OAR–2019–0055; FRL–9813–01–OAR]

Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of public comment period.

SUMMARY: On March 28, 2022, the Environmental Protection Agency (EPA) published a proposed rule titled ''Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards''. EPA is extending the comment period for this proposed rule.

DATES: The comment period for the proposed rule published on March 28, 2022, at 87 FR 17414, is extended. Comments must be received on or before May 16, 2022.

ADDRESSES: You may send your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0055, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov* (our preferred method) Follow the online instructions for submitting comments.

• *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

• *Hand Delivery/Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2019–0055, at *https://www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

Due to public health concerns related to COVID–19, the EPA Docket Center and Reading Room are open to the public by appointment only. Our Docket Center staff also continues to provide remote customer service via email, phone, and webform. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

The EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

FOR FURTHER INFORMATION CONTACT: Brian Nelson, Assessment and Standards Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4278; email address: *nelson.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: On March 28, 2022, EPA published a proposed rule titled ''Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards'' (87 FR 17414). The public comment for this proposed rule was scheduled to end on May 13, 2022. The Clean Air Act requires that the record of proceedings allowing oral presentation of data, views, and arguments on a proposed rule be kept open for 30 days after completion of the proceeding to provide an opportunity for submission of rebuttal and supplementary information. 42 U.S.C. 7607(d)(5). Because EPA held a third day of public hearing for this proposed rule, the final ''proceeding allowing oral presentation of data, views, and arguments,'' was held on April 14, 2022. For this reason, the public comment period for this proposed rule is extended and will now end on May 16, 2022.

Benjamin Hengst,

Deputy Director, Office of Transportation and Air Quality.

[FR Doc. 2022–09497 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2022–0195; FRL–9631–02–OAR]

RIN 2060–AV66

Intended Air Quality Redesignation for the 2008 Lead National Ambient Air Quality Standards; Canton, Ohio; Stark County, Ohio: Notice of Availability and Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of our intent to redesignate a portion of Canton, Ohio in northeastern Stark County from ''unclassifiable/attainment'' to ''nonattainment'' for the 2008 National Ambient Air Quality Standards (NAAQS) for lead (Pb). The EPA's intended redesignation of this portion of the Canton, Ohio area is based on recorded violations of the Pb NAAQS at Ohio Environmental Protection Agency's (Ohio EPA) Republic Steel ambient air monitoring site located in Canton, Ohio, and additional relevant air quality information. If the redesignation to nonattainment is finalized, the state of Ohio would be required to undertake certain planning requirements to reduce Pb concentrations within this nonattainment area, including, but not limited to, the requirement to submit within 18 months of redesignation, a revision to the Ohio state implementation plan (SIP) that provides for attainment of the Pb standards as expeditiously as practicable, but no later than 5 years after the date of redesignation to nonattainment.

Notice is hereby given that the EPA (Agency) has posted on our public electronic docket and internet website the intended redesignation for relevant portion of the Canton, Ohio (Stark County, OH) area under the 2008 Pb NAAQS. The EPA invites the public to review and provide input on our intended redesignation during the comment period specified in the **DATES** section. The EPA notified the state of Ohio of our intended redesignation action on or about April 26, 2022. The EPA intends to make its final redesignation determination for the Canton, Ohio area approximately 240 days from the date the Agency notified the state of its intended designation, that is, in December 2022.

DATES: Comments must be received on or before June 2, 2022. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2022–0195, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via *https://www.regulations.gov,* as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA

Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

Once submitted, comments cannot be edited or removed from *https://www.regulations.gov.* The EPA may publish any comment received to our public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* comments hosted 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 FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Andrew Leith, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C541A, Research Triangle Park, NC 27709, telephone (919) 541–1069, email at *leith.andrew@epa.gov.* The following EPA Regional office contact can answer questions specific to the Canton, Ohio area:

Regional Office Contacts:

Region V—Alisa Liu (312) 353–3193, email at *liu.alisa@epa.gov*

Regional office	Affected state
EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604.	Ohio.

Although the EPA Region 5 office may be closed, or operating during limited hours, to reduce the risk of transmitting COVID–19, staff remain available via telephone and email. The EPA encourages the public to review our recent letter notifying Ohio of our intended redesignation action, and the associated area-specific technical support information online at *https://www.epa.gov/lead-designations* and in the public docket for these lead designations at *http://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2022–0195.

SUPPLEMENTARY INFORMATION: The information in this document is organized as follows:

I. Purpose of Action and Instructions for Submitting Public Comments
II. The 2008 Pb NAAQS
III. Designations for the 2008 Pb NAAQS
IV. Applicable Regulatory Provisions
V. Monitoring Network Considerations
VI. Canton, Ohio Ambient Air Monitoring Site
VII. Pb Data Considerations
VIII. The EPA's Intended Decision To Address Monitored Pb Violations in the Canton, Ohio Area Through Redesignation

I. Purpose of Action and Instructions for Submitting Public Comments

The purpose of this notice of availability is to solicit input from interested parties on the EPA's notification to the state of Ohio of our intended redesignation determination for the Canton, Ohio area (Stark County, Ohio) for the 2008 Pb NAAQS. The EPA's notification letter and the supporting technical analyses can be found at *https://www.epa.gov/lead-designations* and also in the public docket for this action at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2022–0195.

The EPA invites public input regarding the Canton, OH area during the 30-day comment period provided in this notice. To receive full consideration, input from the public must be submitted to the docket by June 2, 2022. This notice and opportunity for public comment does not affect any rights or obligations of any state, or tribe, or of the EPA, which might otherwise exist pursuant to the CAA section 107(d).

CAA section 107(d)(3) provides a process for air quality redesignations that involves recommendations by affected states, territories, and tribes to the EPA and responses from the EPA to those parties, prior to the EPA promulgating final area redesignation decisions. The EPA is not required under the CAA section 107(d)(3) to seek public comment during the redesignations process, but we are electing to do so for this area with respect to the 2008 Pb NAAQS to gather additional information for the EPA to consider before making final redesignation decisions for the specific area addressed.

1. *Submitting CBI.* Do not submit CBI information to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: Tiffany Purifoy, OAQPS CBI Officer, U.S. EPA, Office of Air Quality Planning and Standards, Mail Code C404–02, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2022–0195. There will be a delay in confirming receipt of CBI packages, because the EPA–RTP office is closed to reduce the risk of transmitting COVID–19. Due to the office closure, EPA is also requesting that parties notify the OAQPS Document Control Officer via telephone, (919) 541–0878, or email at *purifoy.tiffany@epa.gov* when mailing information identified as CBI.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

II. The 2008 Pb NAAQS

Under section 109 of the Clean Air Act (CAA or Act), the EPA has established primary and secondary NAAQS for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established. The primary NAAQS represent ambient air quality standards, the attainment and maintenance of which the EPA has determined, including a margin of safety, are requisite to protect the public health. The secondary NAAQS represent ambient air quality standards, the attainment and maintenance of which the EPA has determined are requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air.

Under the CAA, the EPA must establish NAAQS for criteria pollutants, including Pb. Lead is generally emitted in the form of particles that are deposited in water, soil, and dust. People may be exposed to Pb by inhaling it or by ingesting Pb-

contaminated food, water, soil, or dust. Once in the body, Pb is quickly absorbed into the bloodstream and can result in a broad range of adverse health effects including damage to the central nervous system, cardiovascular function, kidneys, immune system, and red blood cells. Children are particularly vulnerable to Pb exposure, in part because they are more likely to ingest Pb and in part because their still-developing bodies are more sensitive to the effects of Pb. The harmful effects to children's developing nervous systems (including their brains) arising from Pb exposure may include intelligence quotient (IQ) [1] loss, poor academic achievement, long-term learning disabilities, and an increased risk of delinquent behavior.[2]

The EPA first established primary and secondary Pb standards in 1978 at 1.5 micrograms per cubic meter (μg/m^3) as a quarterly average.[3] Based on new health and scientific data, on October 15, 2008, the EPA revised the federal Pb standards to 0.15 μg/m^3 and revised the averaging time for the standards.[4] Since the primary and secondary Pb standards are the same, we refer to them hereafter in this document using the singular Pb standard or NAAQS. A violation of the 2008 Pb NAAQS occurs if any arithmetic 3-month mean concentration is greater than 0.15 μg/m^3.[5]

III. Designations for the 2008 Pb NAAQS

Following promulgation of any new or revised NAAQS, the EPA is required by CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. The EPA initially designated all areas of the country as ''unclassifiable,'' ''unclassifiable/attainment,'' or ''nonattainment'' for the 2008 Pb NAAQS in two rounds on November 16, 2010, and November 8, 2011. In the November 8, 2011, action, the EPA designated Stark County, along with the remaining areas of Ohio, as unclassifiable/attainment.[6]

Pursuant to CAA section 107(d), the EPA must designate as ''nonattainment'' those areas that violate the NAAQS and those nearby areas that contribute to violations. Once an area has been designated, the EPA Administrator, under CAA section 107(d)(3), may at any time notify a state that a designation should be revised. 42 U.S.C. 7407(d)(3).

In 2021, the EPA determined that quality-assured, certified monitoring data collected during 2017–2020 at the Ohio EPA ambient air monitoring site located at 3150 Georgetown Road NE in Canton, Ohio (Republic Steel ambient air monitoring site), showed that the area was violating the Pb NAAQS. Accordingly, consistent with CAA section 107(d)(3)(A), the EPA notified the Governor of Ohio in a letter dated April 26, 2022, of our intent to redesignate the relevant portion of the Canton, Ohio area as ''nonattainment'' for the 2008 Pb NAAQS.

IV. Applicable Regulatory Provisions

A determination of whether an area's air quality meets applicable standards is generally based upon the most recent 3 years of complete, quality-assured data gathered at established state and local air monitoring stations (SLAMS) and entered into the EPA's Air Quality System (AQS) database.[7] Data from ambient air monitors operated by state and local agencies in compliance with the EPA monitoring requirements must be submitted to AQS.[8] Monitoring agencies annually certify that these data are accurate to the best of their knowledge.[9] All data are reviewed to determine the area's air quality status for Pb in accordance with 40 CFR part 50, Appendix R.

Under the EPA regulations in 40 CFR 50.16 and in accordance with 40 CFR part 50 Appendix R, the 2008 Pb NAAQS is met when the design value is less than or equal to 0.15 μg/m^3 at each eligible monitoring site within the area. The Pb design value at each eligible monitoring site is the maximum valid 3-month arithmetic mean Pb concentration from the 38-month period consisting of the most recent 3-year calendar period plus two previous months. The 3-month mean Pb concentrations are rounded to the nearest hundredth μg/m^3 for comparison to the NAAQS. Data completeness requirements for a given 3-month period are met if the average of the data capture rate of the three constituent monthly means is greater than or equal to 75 percent.[10]

V. Monitoring Network Considerations

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. The EPA's monitoring requirements are specified by regulation in 40 CFR part 58. These requirements are applicable to state, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. The regulations in 40 CFR part 58 establish specific requirements for operating air quality surveillance networks to measure ambient concentrations of Pb, including requirements for measurement methods, network design, quality assurance procedures, and in the case of large urban areas, the minimum number of monitoring sites designated as SLAMS.

In sections 4.4 and 4.5 of Appendix D to 40 CFR part 58, the EPA specifies minimum monitoring requirements for Pb, respectively, to operate at SLAMS. SLAMS produce data that are eligible for comparison with the NAAQS, and therefore, the monitor must be an approved federal reference method (FRM), federal equivalent method (FEM), or approved regional method (ARM) monitor.

The minimum number of required Pb SLAMS is described in section 4.5 of Appendix D to 40 CFR part 58. There must be at least one source-oriented SLAMS site located to measure the maximum Pb concentration in ambient air resulting from each non-airport Pb source that emits 0.50 or more tons per year (tpy) and from each airport that emits 1.0 tpy or more based on either the most recent National Emission Inventory (NEI) or other scientifically justifiable methods and data.

According to the 2017 NEI, one source in Stark County, Ohio exceeded the 0.50 tpy threshold and therefore required source-oriented Pb monitoring: The Republic Steel plant located at 2633 Eighth Street NE in Canton, Ohio (Republic Steel).[11] Republic Steel is a steel manufacturer that manufactures leaded steel and other steel products.

[1] IQ is a score created by dividing a person's mental age score, obtained by administering an intelligence test, by the person's chronological age, both expressed in terms of years and months. ''Glossary of Important Assessment and Measurement Terms,'' Philadelphia, PA: National Council on Measurement in Education. 2016.

[2] Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems and the cardiovascular system. For more information regarding the health effects of Pb exposure, see 73 FR 66964, November 12, 2008, or *http://www.epa.gov/airquality/lead/health.html.*

[3] 43 FR 46246 (October 5, 1978).

[4] 73 FR 66964 (November 12, 2008).

[5] 40 CFR 50.16.

[6] *See* 75 FR 71033 (November 22, 2010); 76 FR 72097 (November 22, 2011).

[7] AQS is the EPA's repository of ambient air quality data.

[8] 40 CFR 58.16.

[9] 40 CFR 58.15.

[10] *See* 40 CFR part 50, Appendix R sections (1)c, 4(c), and 5(b).

[11] Ohio facility-level Pb emissions data from the 2017 NEI may be accessed on the EPA NEI website at *https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data.*

VI. Canton, Ohio Ambient Air Monitoring Site

On June 6, 2017, an ambient air monitoring site was installed and began operating in Stark County to measure concentrations of Pb and other toxic metals. Ohio EPA, through its partnership with the Canton City Public Health Department, installed a special purpose monitor to meet the requirements of a permit [12] issued on December 12, 2016, to Republic Steel as part of operational changes made to its plant at 2633 Eighth Street NE in Canton, Ohio.

In April 2019, Ohio EPA converted the designated primary Pb sampler at the Republic Steel ambient air monitoring site from a special purpose monitor (SPM) to a SLAMS monitor. The conversion was made as a result of Ohio EPA's 2017 emissions inventory, which indicated that Republic Steel's Pb emissions were at 0.81 tpy, which exceeds the source-oriented 0.50 tpy monitoring threshold in 40 CFR part 58 Appendix D. The EPA requires SLAMS monitors to collect Pb samples at a minimum frequency of 1-in-6 days and those data be reported to the EPA's AQS. Ohio EPA continued to also collect SPM samples to sample air quality specifically during leaded production at the Republic Steel plant; however, the SPM monitoring data is not reported to the EPA's AQS. Ohio EPA posts the SLAMS and SPM data on its website.[13]

Two ambient air quality monitors (Parameter Occurrence Code (POC 1, POC 4) at the Republic Steel ambient air monitoring site measure ambient concentrations on a microscale level of 0 to 100 meters with a staggered schedule. POC 1 operates on the EPA sampling schedule of 1-in-6 days, and POC 4 operates on a randomized schedule. The POC is used to distinguish different instruments that measure the same parameter at the same site.

VII. Pb Data Considerations

In accordance with Appendix R to 40 CFR part 50, compliance with the Pb NAAQS is determined based on data from 36 consecutive valid 3-month periods (*i.e.,* 38 months, or a 3-year calendar period and the preceding November and December). As detailed in 40 CFR part 50 Appendix R section 4(c)(i), a 3-month mean Pb value is determined to be valid (*i.e.,* meets data completeness requirements) if the average of the data capture rate of the three constituent monthly means is greater than or equal to 75 percent.

Under 40 CFR 58.15, monitoring agencies must certify, on an annual basis, data collected at all SLAMS and at all FRM, FEM, and ARM special purpose monitor stations that meet the EPA quality assurance requirements. In doing so, monitoring agencies must certify that the previous year of ambient concentration and quality assurance data are completely submitted to AQS and that the ambient concentration data are accurate to the best of their knowledge. Ohio EPA annually certifies that the data it submits to AQS are quality-assured, including data collected by Ohio EPA at the Republic Steel monitoring site.

We have evaluated the completeness of these data in accordance with the requirements of 40 CFR part 50 Appendix R. The data collected by Ohio EPA at the Republic Steel ambient air monitoring site meet this completeness criterion for each 3-month period from November 2018–December 2020.

Table 1 presents a summary of the latest available quality-assured Pb monitoring data from the Republic Steel ambient air monitoring site. A map showing the location of the monitor is included in the EPA's Technical Support Document (EPA TSD), contained in the docket for this rulemaking.

TABLE 1—AMBIENT AIR QUALITY MONITORING DATA AND Pb DESIGN VALUES FROM OHIO EPA'S REPUBLIC STEEL AMBIENT AIR MONITORING SITE

Monitor	Maximum Pb 3-month rolling average * (μg/m³) (number of complete months in parentheses)				Pb design value * (μg/m³)	
	2017	2018	2019	2020	2017–2019	2018–2020
AQS 39–151–0024: Republic Steel, 3150 Georgetown Road NE, Canton, Ohio	0.11 (5)	0.20 (12)	0.21 (12)	0.13 (12)	0.21	0.21

The EPA considered the Pb NAAQS design value for the Republic Steel ambient air monitoring site in Stark County by assessing the most recent 3 consecutive years (*i.e.,* 2018–2020) and two previous months of quality-assured, certified ambient air quality data in the EPA's AQS using data from FRM and/or FEM monitors that are sited and operated in accordance with 40 CFR parts 50 and 58. Data collected at the Republic Steel monitoring site indicate that the 2018–2020 design value representative of the Stark County area is 0.21 μg/m³. With a design value of 0.21 μg/m³, the Republic Steel ambient air monitoring site shows a violation of the 2008 Pb NAAQS of 0.15 μg/m³ for 2018–2020.

VIII. The EPA's Intended Decision To Address Monitored Pb Violations in the Canton, Ohio Area Through Redesignation

The CAA provides the EPA with the authority to change the designation of, or ''redesignate,'' areas in light of changes in circumstances. More specifically, the EPA has the authority under CAA section 107(d)(3) to redesignate areas (or portions thereof) on the basis of air quality data, planning and control considerations, or any other air quality-related considerations. Stark County shows a violation of the 2008 Pb NAAQS based on data collected during 2018–2020, and, therefore, under CAA section 107(d)(3), the EPA can notify the state of its intent to redesignate to nonattainment all or some of Stark County and possibly additional areas in surrounding counties. In this action, EPA is providing notice of its intent to redesignate only part of Stark County to nonattainment.

Under CAA section 107(d)(3), the EPA Administrator may at any time notify the Governor of any State that available information indicates that the designation of any area or portion of an area within the State should be revised. For purposes of this intended redesignations action, EPA is following the same analytical steps applied in the initial area designations process following promulgation of a new or revised NAAQS. That is, under CAA section 107(d)(1)(A)(i), the statutory

[12] Ohio EPA Air Pollution Permit-to-Install (PTI), Permit Number: P0121793, Facility ID: 1576050694, Republic Steel. *http://wwwapp.epa.ohio.gov/dapc/permits_issued/1499790.pdf.*

[13] Ohio EPA, Air Pollution Control, Reports & Data, Special Sampling Projects. *https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/air-pollution-control/reports-and-data/special-sampling-projects.*

authority for initial area designations, EPA must designate as nonattainment any area that violates the NAAQS and any nearby area that contributes to ambient air quality in the violating area. Air quality data from 2018–2020 indicate that ambient Pb concentrations in Stark County do not meet the NAAQS, and, therefore, some area in Stark County and possibly additional areas in surrounding counties must be redesignated as nonattainment. The absence of monitored violations in nearby counties is not a sufficient reason to eliminate nearby counties as candidates for nonattainment status.

The technical analysis identified the monitor that was showing a violation of the standards (''violating monitor'') and evaluated nearby areas for contributions to ambient Pb concentrations in the area. To determine the boundaries of an area where violations support a nonattainment designation, the 2008 Final Rule for the Pb NAAQS adopted guidance (2008 EPA Pb Guidance) stated that the perimeter of a county containing the violating monitor would be the initial presumptive boundary for nonattainment areas. If the intended boundaries are smaller than the full county, the EPA requires a demonstration to show that violations are not occurring in the excluded portions of the county and that the excluded portions are not source areas that contribute to the observed violations. To justify establishing either a larger or smaller area, the 2008 EPA Pb Guidance indicated the following eight factors should be considered.[14]

(1) Air quality in potentially included versus excluded areas;

(2) Emissions in areas potentially included versus excluded from the nonattainment area;

(3) Level of control of emission sources;

(4) Population density and degree of urbanization including commercial development in included versus excluded areas;

(5) Expected growth (including extent, pattern, and rate of growth);

(6) Meteorology (weather/transport patterns);

(7) Geography/topography (mountain ranges or other air basin boundaries); and

(8) Jurisdictional boundaries (*e.g.,* counties, air districts, reservations, etc.).

In addition to an analysis of the eight factors above, states can choose to recommend Pb nonattainment boundaries by using one, or a combination of the following techniques:

- Qualitative analysis;
- Spatial interpolation of air quality monitoring data; or
- Air quality simulation by dispersion modeling.[15]

The EPA's detailed evaluation of the violating monitoring site, contributing sources, and intended area boundaries based on the weight of evidence of the previously identified factors is included in the TSD, which is located in the docket for this intended redesignations action. EPA's intended boundaries of the relevant area encompass the portions of Stark County that are bounded on the north by State Route OH–153 (12th Street NE; Mahoning Road), on the east by Broadway Avenue, on the south by State Route OH–172 (Tucarawas Street E; Lincoln Street E), and the west by State Route OH–43—Northbound (Cherry Avenue NE). A map showing the boundaries of our intended nonattainment area for Canton, Ohio is included in the TSD.

Panagiotis E. Tsirigotis,

Director, Office of Air Quality Planning & Standards.

[FR Doc. 2022–09405 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

[14] 73 FR 67033 (November 12, 2008).

[15] 73 FR 67033 (November 12, 2008).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R09–RCRA–2021–0628; FRL–9760–01–R9]

Hawaii: Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed action/decision/authorization.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to authorize changes to Hawaii's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). These changes were outlined in an application to the EPA and correspond to certain federal rules promulgated between July 1, 2016 and June 30, 2020 (also known as RCRA Clusters XXV to XXVIII) and for authorization of state-initiated changes that are equivalent to or more stringent than the federal program. The EPA reviewed Hawaii's application and has determined that these changes satisfy all requirements needed to qualify for final authorization. Elsewhere, in the ''Rules and Regulations'' section of this **Federal Register**, we are authorizing Hawaii for these changes as a direct final authorization without a prior proposed action. If we receive no adverse comment, we will not take further action on this proposed authorization.

DATES: Comments must be received on or before June 2, 2022.

ADDRESSES: Submit your comments to EPA, identified by Docket ID No. EPA–R09–RCRA–2021–0628, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. 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). The *https://www.regulations.gov* website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

FOR FURTHER INFORMATION CONTACT: Dani Allen-Williams, *AllenWilliams.Dani@epa.gov,* 415–942–3800.

SUPPLEMENTARY INFORMATION: This document proposes to take action on Hawaii's changes to its hazardous waste management program under the Resource Conservation and Recovery Act (RCRA), as amended. We have published a direct final action authorizing these changes in the ''Rules and Regulations'' section of this issue of the **Federal Register** because we view

this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final authorization.

If we receive no adverse comment, we will not take further action on this proposed rulemaking. If we receive adverse comment, we will withdraw the direct final authorization and it will not take effect. We would then address all public comments in a subsequent final action and base any further decision on the authorization of the state program changes after considering all comments received during the comment period.

We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: April 25, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

[FR Doc. 2022–09429 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2021–0156; FF09E21000 FXES1111090FEDR223]

Endangered and Threatened Wildlife and Plants; Review of Species That Are Candidates for Listing as Endangered or Threatened; Annual Notification of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of review.

SUMMARY: In this candidate notification of review (CNOR), we, the U.S. Fish and Wildlife Service (Service), present an updated list of plant and animal species that we regard as candidates for or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2020, through September 30, 2021. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 27 (as of September 30, 2021). Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, and by allowing landowners, resource managers, States, Tribes, range countries, and other stakeholders to take actions to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notice provided here could result in more options for species management and recovery by prompting earlier candidate conservation measures to alleviate threats to the species.

DATES: We will accept information on any of the species in this document at any time.

ADDRESSES: This document is available on the internet at *https://www.regulations.gov* and *https://www.fws.gov/endangered/what-we-do/cnor.html.*

Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review on our website (*https://ecos.fws.gov/tess_public/reports/candidate-species-report*). Please submit any new information, materials, comments, or questions of a general nature on this document to the address listed under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Regional Director or Branch Chief in the appropriate office listed under Request for Information in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (telephone 703–358–2673). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973 (Act; 16 U.S.C. 1531 *et seq.*), as amended, requires that we identify species of wildlife and plants that are endangered or threatened based solely on the best scientific and commercial data available. As defined in section 3 of the Act, an endangered species is any species that is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Through the Federal rulemaking process, we add species that meet these definitions to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (CFR) at § 17.11 (50 CFR 17.11) or the List of Endangered and Threatened Plants at 50 CFR 17.12. As part of this process, we maintain a list of species that we regard as candidates for listing. A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal for listing as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher priority listing actions. We may identify a species as a candidate for listing after we have conducted an evaluation of its status—either on our own initiative, or in response to a petition we have received. If we have made a finding on a petition to list a species, and have found that listing is warranted, but precluded by other higher priority listing actions, we will add the species to our list of candidates.

We maintain this list of candidates for a variety of reasons: (1) To notify the public that these species are facing threats to their survival; (2) to provide advance knowledge of potential listings that could affect decisions of environmental planners and developers; (3) to provide information that may stimulate and guide conservation efforts that will remove or reduce threats to these species and possibly make listing unnecessary; (4) to request input from interested parties to help us identify those candidate species that may not require protection under the Act, as well as additional species that may require the Act's protections; and (5) to request necessary information for setting priorities for preparing listing proposals. We encourage collaborative conservation efforts for candidate species and offer technical and financial assistance to facilitate such efforts. For additional information regarding such

assistance, please contact the appropriate Office listed under Request for Information, below, or visit our website at: *https://www.fws.gov/endangered/what-we-do/index.html.*

Previous CNORs

We have been publishing CNORs since 1975. The most recent CNOR addressing species domestic to the United States was published on November 16, 2020 (85 FR 73164). The most recent CNOR addressing foreign species was published on August 9, 2021 (86 FR 43470). CNORs published since 1994 are available on our website at *https://www.fws.gov/endangered/what-we-do/cnor.html.* For copies of CNORs published prior to 1994, please contact the Branch of Domestic Listing (see **FOR FURTHER INFORMATION CONTACT**, above).

On September 21, 1983, we published guidance for assigning a listing priority number (LPN) for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats, immediacy of threats, and taxonomic status; the lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). Section 4(h)(3) of the Act (16 U.S.C. 1533(h)(3)) requires the Secretary to establish guidelines for such a priority-ranking system. As explained below, in using this system, we first categorize based on the magnitude of the threat(s), then by the immediacy of the threat(s), and finally by taxonomic status.

Under this priority-ranking system, magnitude of threat can be either ''high'' or ''moderate to low.'' This criterion helps ensure that the species facing the greatest threats to their continued existence receive the highest listing priority. All candidate species face threats to their continued existence, so the magnitude of threats is in relative terms. For all candidate species, the threats are of sufficiently high magnitude to put them in danger of extinction or make them likely to become in danger of extinction in the foreseeable future. However, for species with higher magnitude threats, the threats have a greater likelihood of bringing about extinction or are expected to bring about extinction on a shorter timescale (once the threats are imminent) than for species with lower-magnitude threats. Because we do not routinely quantify how likely or how soon extinction would be expected to occur absent listing, we must evaluate factors that contribute to the likelihood and time scale for extinction. We therefore consider information such as: (1) The number of populations or extent of range of the species affected by the threat(s), or both; (2) the biological significance of the affected population(s), taking into consideration the life-history characteristics of the species and its current abundance and distribution; (3) whether the threats affect the species in only a portion of its range, and, if so, the likelihood of persistence of the species in the unaffected portions; (4) the severity of the effects and the rapidity with which they have caused or are likely to cause mortality to individuals and accompanying declines in population levels; (5) whether the effects are likely to be permanent; and (6) the extent to which any ongoing conservation efforts reduce the severity of the threat(s).

As used in our priority-ranking system, immediacy of threat is categorized as either ''imminent'' or ''nonimminent,'' and is based on when the threats will begin. If a threat is currently occurring or likely to occur in the very near future, we classify the threat as imminent. Determining the immediacy of threats helps ensure that species facing actual, identifiable threats are given priority for listing proposals over species for which threats are only potential or species that are intrinsically vulnerable to certain types of threats but are not known to be presently facing such threats.

Our priority-ranking system has three categories for taxonomic status: Species that are the sole members of a genus; full species (in genera that have more than one species); and subspecies and distinct population segments of vertebrate species (DPSs).

The result of the ranking system is that we assign each candidate a listing priority number of 1 to 12. For example, if the threats are of high magnitude, with immediacy classified as imminent, the listable entity is assigned an LPN of 1, 2, or 3 based on its taxonomic status (*i.e.,* a species that is the only member of its genus would be assigned to the LPN 1 category, a full species to LPN 2, and a subspecies or DPS would be assigned to LPN 3). In summary, the LPN ranking system provides a basis for making decisions about the relative priority for preparing a proposed rule to list a given species. No matter which LPN we assign to a species, each species included in this document as a candidate is one for which we have concluded that we have sufficient information to prepare a proposed rule for listing because it is in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

For more information on the process and standards used in assigning LPNs, a copy of the 1983 guidance is available on our website at: http://www.fws.gov/endangered/esa-library/pdf/1983_LPN_Policy_FR_pub.pdf. Information on the LPN assigned to a particular species is summarized in this CNOR, and the species assessment and listing priority assignment form for each candidate contains the LPN chart and a more-detailed explanation—including citations to, and more-detailed analyses of, the best scientific and commercial data available—for our determination of the magnitude and immediacy of threat(s) and assignment of the LPN.

Summary of This CNOR

Since publication of the previous CNORs on November 16, 2020 (domestic), and August 9, 2021 (foreign), we reviewed the available information on candidate species to ensure that a proposed listing is justified for each species, and reevaluated the relative LPN assigned to each species. We also evaluated the need to emergency list any of these species, particularly species with higher priorities (*i.e.,* species with LPNs of 1, 2, or 3). This review and reevaluation ensures that we focus conservation efforts on those species at greatest risk.

After a thorough review of the available scientific and commercial information, we are changing the listing priority number of the San Francisco Bay-Delta DPS of longfin smelt (*Spirinchus thaleichthys*). In addition, we find that grizzly bears (*Ursus arctos horribilis)* in the Cabinet-Yaak Ecosystem (CYE) and the Pariette cactus (*Sclerocactus brevispinus*) no longer meet the definition of an endangered species throughout all or a significant portion of their range, and are no longer warranted for uplisting.

In addition to reviewing candidate species since publication of the last domestic and foreign CNORs, we have worked on findings in response to petitions to list species, on proposed rules to list species under the Act, and on final listing determinations. Some of these findings and determinations have been completed and published in the **Federal Register**, while work on others is still under way (see Preclusion and Expeditious Progress, below, for details).

Combined with other findings and determinations published separately from this CNOR, 27 species are now candidates awaiting preparation of a proposed listing rule or ''not-warranted'' finding. Table 5 identifies these 27 candidate species, along with the 31

species proposed for listing as of September 30, 2021.

Table 6 lists the changes for species identified in the previous CNORs and includes 13 species identified in the previous CNORs as either proposed for listing or classified as candidates that are no longer in those categories. This includes twelve species for which we published a final listing rule and one species for which we published a withdrawal of the proposed listing rule.

Petition Findings

The Act provides two mechanisms for considering species for listing. One method allows the Secretary, on the Secretary's own initiative, to identify species for listing under the standards of section 4(a)(1). The second method provides a mechanism for the public to petition us to add a species to the Lists. As described further in the paragraphs that follow, the CNOR serves several purposes as part of the petition process: (1) In some instances (in particular, for petitions to list species that the Service has already identified as candidates on its own initiative), it serves as the initial petition finding; (2) for candidate species for which the Service has made a warranted-but-precluded petition finding, it serves as a ''resubmitted'' petition finding that the Act requires the Service to make each year; and (3) it documents the Service's compliance with the statutory requirement to monitor the status of species for which listing is warranted but precluded, and to ascertain if they need emergency listing.

First, the CNOR serves as an initial 12-month finding in some instances. Under section 4(b)(3)(A) of the Act, when we receive a petition to list a species, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information indicating that listing may be warranted (a ''90-day finding''). If we make a positive 90-day finding, we must promptly commence a status review of the species under section 4(b)(3)(A); we must then make, within 12 months of the receipt of the petition, one of the following three possible findings (a ''12-month finding''):

(1) The petitioned action is not warranted, in which case we must promptly publish the finding in the **Federal Register**;

(2) The petitioned action is warranted (in which case we must promptly publish a proposed regulation to implement the petitioned action; once we publish a proposed rule for a species, sections 4(b)(5) and 4(b)(6) of the Act govern further procedures, regardless of whether or not we issued the proposal in response to a petition); or

(3) The petitioned action is warranted, but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals to determine whether any species is endangered or threatened, and (b) expeditious progress is being made to add qualified species to the Lists and to remove from the Lists species for which the protections of the Act are no longer necessary. We refer to this third option as a ''warranted-but-precluded finding,'' and after making such a finding, we must promptly publish it in the **Federal Register**.

We define ''candidate species'' to mean those species for which the Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but for which issuance of the proposed rule is precluded (61 FR 64481; December 5, 1996). The standard for making a species a candidate through our own initiative is identical to the standard for making a warranted-but-precluded 12-month petition finding on a petition to list.

Therefore, all candidate species identified through our own initiative already have received the equivalent of substantial 90-day and warranted-but-precluded 12-month findings. Nevertheless, if we receive a petition to list a species that we have already identified as a candidate, we review the status of the newly petitioned candidate species and in a CNOR publish specific section 4(b)(3) findings (*i.e.,* substantial 90-day and warranted-but-precluded 12-month findings) in response to the petitions to list these candidate species. We publish these findings as part of the first CNOR following receipt of the petition.

Second, the CNOR serves as a ''resubmitted'' petition finding. Section 4(b)(3)(C)(i) of the Act requires that when we make a warranted-but-precluded finding on a petition, we treat the petition as one that is resubmitted on the date of the finding. Thus, we must make a 12-month petition finding for each such species at least once a year in compliance with section 4(b)(3)(B) of the Act, until we publish a proposal to list the species or make a final not-warranted finding. We make these annual resubmitted petition findings through the CNOR. To the extent these annual findings differ from the initial 12-month warranted-but-precluded finding or any of the resubmitted petition findings in previous CNORs, they supersede the earlier findings, although all previous findings are part of the administrative record for the new finding, and in the new finding, we may rely upon them or incorporate them by reference as appropriate, in addition to explaining why the finding has changed. We have identified the candidate species for which we received petitions and made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C*'' in the category column on the left side of Table 5, below.

Third, through undertaking the analysis required to complete the CNOR, the Service determines if any candidate species needs emergency listing. Section 4(b)(3)(C)(iii) of the Act requires us to implement a system to monitor effectively the status of all species for which we have made a warranted-but-precluded 12-month finding and to make prompt use of the emergency listing authority under section 4(b)(7) to prevent a significant risk to the well-being of any such species. The CNOR plays a crucial role in the monitoring system that we have implemented for all candidate species by providing notice that we are actively seeking information regarding the status of those species. We review all new information on candidate species as it becomes available, prepare an annual species assessment form that reflects monitoring results and other new information, and identify any species for which emergency listing may be appropriate. If we determine that emergency listing is appropriate for any candidate, we will make prompt use of the emergency listing authority under section 4(b)(7) of the Act.

A number of court decisions have elaborated on the nature and specificity of information that we must consider in making and describing the petition findings in the CNOR. The CNOR that published on November 9, 2009 (74 FR 57804), describes these court decisions in further detail. As with previous CNORs, we continue to incorporate information of the nature and specificity required by the courts. For example, we include a description of the reasons why the listing of every petitioned candidate species is both warranted and precluded at this time. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis. Our preclusion determinations are further based upon our budget for listing activities for non-listed species only, and we explain the priority system and why the work we

have accomplished has precluded action on listing candidate species.

In preparing this CNOR, we reviewed the current status of, and threats to, the 27 candidates for which we have received a petition to list and the 4 listed species for which we have received a petition to reclassify from threatened to endangered, where we found the petitioned action to be warranted but precluded. We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for each of these species has been, for the preceding months, and continues to be, precluded by higher priority listing actions. However, for six of these candidate species, we are currently engaged in a thorough review of all available data to determine whether to proceed with a proposed listing rule; as a result of this review, we may conclude that listing is no longer warranted. For the North Cascades grizzly bear ecosystem population, we are engaged in a thorough review of all available data to determine the appropriate status for this entity (see Petitions To Reclassify Species Already Listed, below). For the remaining candidates and two listed species—delta smelt, and northern spotted owl, which are candidates for reclassification from threatened to endangered—we are providing updated species assessment forms and a summary of those assessments in this document (see Petitions to Reclassify Species Already Listed, below). Additional information that is the basis for this finding is found in the species assessment forms and our decision file for each species.

The immediate publication of proposed rules to list these species was precluded by our work on higher priority listing actions, listed below, during the period from October 1, 2020, through September 30, 2021. Below we describe the actions that continue to preclude the immediate proposal and final promulgation of a regulation implementing each of the petitioned actions for which we have made a warranted-but-precluded finding, and we describe the expeditious progress we are making to add qualified species to, and remove species from, the Lists. We will continue to monitor the status of all candidate species, including petitioned species, as new information becomes available to determine if a change in status is warranted, including the need to emergency list a species under section 4(b)(7) of the Act. As described above, under section 4 of the Act, we identify and propose species for listing based on the factors identified in section 4(a)(1)—either on our own initiative or through the mechanism that section 4 provides for the public to petition us to add species to the Lists of Endangered or Threatened Wildlife and Plants.

Preclusion and Expeditious Progress

To make a finding that a particular action is warranted but precluded, the Service must make two determinations: (1) That the immediate proposal and timely promulgation of a final regulation is precluded by pending proposals to determine whether any species is endangered or threatened; and (2) that expeditious progress is being made to add qualified species to either of the Lists and to remove species from the Lists (16 U.S.C. 1533(b)(3)(B)(iii)).

Preclusion

A listing proposal is precluded if the Service does not have sufficient resources available to complete the proposal because there are competing demands for those resources and the relative priority of those competing demands is higher. Thus, in any given fiscal year (FY), multiple factors dictate whether it will be possible to undertake work on a proposed listing regulation or whether promulgation of a proposal is precluded by higher priority listing actions—(1) the amount of resources available for completing the listing-related function, (2) the estimated cost of completing the proposed listing regulation, and (3) the Service's workload, along with the Service's prioritization of the proposed listing regulation, in relation to other actions in its workload.

Available Resources

The resources available for listing-related actions are determined through the annual Congressional appropriations process. In FY 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds that may be expended for the Listing Program (spending cap). This spending cap was designed to prevent the listing function from depleting funds needed for other functions under the Act (for example, recovery functions, such as removing species from the Lists), or for other Service programs (see House Report 105–163, 105th Congress, 1st Session, July 1, 1997). The funds within the spending cap are available to support work involving the following listing actions: Proposed and final rules to add species to the Lists or to change the status of species from threatened to endangered; 90-day and 12-month findings on petitions to add species to the Lists or to change the status of a species from threatened to endangered; annual ''resubmitted'' petition findings on prior warranted-but-precluded petition findings as required under section 4(b)(3)(C)(i) of the Act; critical habitat petition findings; proposed rules designating critical habitat or final critical habitat determinations; and litigation-related, administrative, and program-management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat).

For more than two decades, the size and cost of the workload in these categories of actions have far exceeded the amount of funding available to the Service under the spending cap for completing listing and critical habitat actions under the Act. As we cannot exceed the spending cap without violating the Anti-Deficiency Act (31 U.S.C. 1341(a)(1)(A)), each year we have been compelled to determine that work on at least some actions was precluded by work on higher-priority actions. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first, and because we allocate our listing budget on a nationwide basis. Through the listing cap and the amount of funds needed to complete court-mandated actions within the cap, Congress and the courts have in effect determined the amount of money remaining (after completing court-mandated actions) for listing activities nationwide. Therefore, the funds that remain within the listing cap—after paying for work needed to comply with court orders or court-approved settlement agreements—set the framework within which we make our determinations of preclusion and expeditious progress.

For FY 2021, through the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, December 27, 2020), Congress appropriated $20,767,000 for all domestic and foreign listing work. The amount of funding Congress will appropriate in future years is uncertain.

Costs of Listing Actions

The work involved in preparing various listing documents can be extensive, and may include, but is not limited to: Gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our decisions; requesting peer and partner review on our analyses that support listing decisions and incorporating those comments, as appropriate; writing and publishing documents; and obtaining, reviewing, and evaluating public comments on proposed rules and incorporating relevant information from those

comments into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions; that is, more complex actions generally are more costly. Our practice of proposing to designate critical habitat concurrently with listing domestic species requires additional coordination and an analysis of the economic impacts of the designation, and thus adds to the complexity and cost of our work. Completing all of the outstanding listing and critical habitat actions has for so long required more funding than is available within the spending cap that the Service has developed several ways to prioritize its workload actions and to identify the work it can complete with the available funding for listing and critical habitat actions each year.

Prioritizing Listing Actions

The Service's Listing Program workload is broadly composed of four types of actions, which the Service prioritizes as follows: (1) Compliance with court orders and court-approved settlement agreements requiring that petition findings or listing determinations or critical habitat designations be completed by a specific date; (2) essential litigation-related, administrative, and listing program-management functions; (3) section 4 (of the Act) listing and critical habitat actions with absolute statutory deadlines; and (4) section 4 listing actions that do not have absolute statutory deadlines.

In previous years, the Service received many new petitions, including multiple petitions to list numerous species—in one example, a single petition sought to list 404 domestic species. The emphasis that petitioners placed on seeking listing for hundreds of species at a time through the petition process significantly increased the number of actions within the third category of our workload—actions that have absolute statutory deadlines for making findings on those petitions. In addition, the necessity of dedicating all of the Listing Program funding towards determining the status of 251 candidate species and complying with other court-ordered requirements between 2011 and 2016 added to the number of petition findings awaiting action. Because we are not able to work on all of these at once, the Service's most recent effort to prioritize its workload focuses on addressing the backlog in petition findings that has resulted from the influx of large multi-species petitions and the 5-year period in which the Service was compelled to suspend making 12-month findings for most of those petitions. The number of petitions awaiting status reviews and accompanying 12-month findings illustrates the considerable extent of this backlog. As a result of the outstanding petitions to list hundreds of species, and our efforts to make initial petition findings within 90 days of receiving the petition to the maximum extent practicable, at the beginning of FY 2021 we had 408 12-month petition findings yet to be initiated and completed.

To determine the relative priorities of the outstanding 12-month petition findings, the Service developed a prioritization methodology (methodology) (81 FR 49248; July 27, 2016), after providing the public with notice and an opportunity to comment on the draft methodology (81 FR 2229; January 15, 2016). Under the methodology, we assign each 12-month finding to one of five priority bins: (1) The species is critically imperiled; (2) strong data are already available about the status of the species; (3) new science is underway that would inform key uncertainties about the status of the species; (4) conservation efforts are in development or underway and likely to address the status of the species; or (5) the available data on the species are limited. As a general matter, 12-month findings with a lower bin number have a higher priority than, and are scheduled before, 12-month findings with a higher bin number. However, we make some limited exceptions—for example, we may schedule a lower-priority finding earlier if batching it with a higher-priority finding would generate efficiencies. We may also consider whether there are any special circumstances whereby an action should be moved up (or down) in scheduling. For example, one limitation that might result in divergence from priority order is when the current highest priorities are clustered in a geographic area, such that our scientific expertise at the field office level is fully occupied with their existing workload. We recognize that the geographic distribution of our scientific expertise will in some cases require us to balance workload across geographic areas. Since before Congress first established the spending cap for the Listing Program in 1998, the Listing Program workload has required considerably more resources than the amount of funds Congress has allowed for the Listing Program. Therefore, it is important that we be as efficient as possible in our listing process.

After finalizing the prioritization methodology, we then applied that methodology to develop a multi-year workplans for domestic and foreign species for completing the outstanding status assessments and accompanying 12-month findings, along with other outstanding work such as designating critical habitat and acting on the status of candidate species.

Domestic Species Workplan

The purpose of the National Listing Workplan (Workplan) is to provide transparency and predictability to the public about when the Service anticipates completing specific 12-month findings for domestic species while allowing for flexibility to update the Workplan when new information changes the priorities. In January 2021, the Service released its updated Workplan for addressing the Act's domestic listing and critical habitat decisions over the subsequent 5 years. The updated Workplan identified the Service's schedule for addressing all domestic species on the candidate list and conducting 265 status reviews and accompanying 12-month findings by FY 2025 for domestic species that have been petitioned for Federal protections under the Act. The National Listing Workplan is available online at: *https://www.fws.gov/endangered/what-we-do/listing-workplan.html.*

Foreign Species Workplan

Similar to the National Listing Workplan, the Foreign Species Workplan provides the Service's multi-year schedule for addressing our listing workload. The Foreign Species Workplan provides transparency and predictability to the public about when the Service anticipates completing specific 12-month findings and candidate species while allowing for flexibility to update the Foreign Species Workplan when new information changes the priorities. In September 2021, the Service released its most recent Foreign Species Workplan for addressing the Act's foreign listing decisions over the subsequent 5 years. The Foreign Species Workplan identifies the Service's prioritization for addressing all foreign species on the candidate list and 46 status reviews and accompanying 12-month findings for petitioned species, and identifies which actions we plan to complete by FY 2026. As we implement our Foreign Species Workplan and work on 12-month findings and proposed rules for the highest-priority species, we increase efficiency by preparing multi-species proposals when appropriate, and these may include species with lower priority if they overlap geographically or have the same threats as one of the highest-priority species. The Foreign Species Workplan is available online at: *https://*

www.fws.gov/endangered/what-we-do/foreign-listing-workplan.html.

For the 12-month findings, consistent with our prioritization methodology, within the five priority bins we determine the relative timing of foreign species actions using sub-ranking considerations, *i.e.,* as tie-breakers for determining relative timing within each of the five bins (see the August 9, 2021 CNOR (86 FR 43474–43476) for a detailed description of tie-breakers). We consider the extent to which the protections of the Act would be able to improve conditions for that species and its habitat relative to the other species within the same bin, and in doing so, we give weight to the following considerations, in order from greater weight to lesser weight.

1. *FWS Office of Law Enforcement (OLE) enforcement capacity*
2. *Species in trade to or from the United States*
3. *Species in trade through U.S. ports (i.e., in-transit or transshipment)*
4. *Within the United States, interstate trade*
5. *CITES status*
6. *IUCN Red List status*

Prioritization of Domestic and Foreign Species

An additional way in which we determine relative priorities of outstanding actions for species in the section 4 program is application of the listing priority guidelines (48 FR 43098; September 21, 1983; see *Previous CNORs* above). Proposed rules for listing foreign species, including foreign candidate species, are generally lower in priority than domestic listings because we generally have more resources and authorities to achieve higher conservation outcomes when listing domestic species. The Service has a responsibility to conserve both domestic and foreign species; however, our choice to dedicate the bulk of our funding cap to domestic actions is a rational one given the likelihood of obtaining better conservation outcomes for domestic species versus foreign species under the Act. The Act makes no distinction between foreign species and domestic species in listing species as threatened or endangered. The protections of the Act generally apply to both listed foreign species and domestic species, and section 8 of the Act provides authorities for international cooperation on foreign species. However, some significant differences in the Service's authorities result in differences in our ability to affect conservation for foreign and domestic species under the Act. The major differences are that the Service has no regulatory jurisdiction over take of a listed species in a foreign country, or of trade in listed species outside the United States by persons not subject to the jurisdiction of the United States. 50 CFR 17.21. The Service also does not designate critical habitat within foreign countries or in other areas outside of the jurisdiction of the United States. 50 CFR 424.12(g).

Additionally, section 7 of the Act in part requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat, and to enter into consultation with the Service if a Federal action may affect a listed species or its critical habitat. An ''action'' that is subject to the consultation provisions of section 7(a)(2) is defined in our implementing regulations at 50 CFR 402.02 as ''all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas.'' In view of this regulatory definition, foreign species are rarely subject to section 7 consultation, apart from consultations for permits issued under the Act. This differs from the considerable benefits section 7 affords to domestic species whose life cycle occurs in whole or in part in the United States, and for which we do designate critical habitat, which are routinely subject to section 7 consultations and the conservation benefits that result from those.

These differences in the Service's authorities for foreign and domestic species under the Act, including relating to take, critical habitat, and section 7 consultation, means that listing foreign species is likely to have relatively less conservation effect than for domestic species. The protections of the Act through listing are likely to have their greatest conservation effect for foreign species that are in trade to, from, through, or within the United States. The majority (likely 15 out of the 19) of current foreign candidate species are not known to be in trade. Therefore, we made a rational decision to dedicate more resources to listing domestic species.

Additionally, proposed rules for reclassification of threatened species status to endangered species status (uplisting) are generally lower in priority because, as listed species, they are already afforded the protections of the Act and implementing regulations. However, for efficiency reasons, we may choose to work on a proposed rule to reclassify a species to endangered species status if we can combine this with higher-priority work.

Listing Program Workload

The National Listing Workplan that the Service released in 2021 outlined work for domestic species over the period from FY 2021 to FY 2025. The Foreign Species Workplan that the Service released in 2021 outlined work for foreign species over the period from FY 2020 to FY 2026. Tables 1 and 2 under *Expeditious Progress,* below, identify the higher-priority listing actions that we completed through FY 2021 (September 30, 2021), as well as those we have been working on in FY 2021 but have not yet completed. For FY 2021, our workload includes 49 12-month findings or proposed listing actions that are at various stages of completion at the time of this finding. In addition to the actions scheduled in the National Listing Workplan and the Foreign Species Workplan (''Workplans''), the overall Listing Program workload also includes development and revision of regulations required by new court orders or settlement agreements to address the repercussions of any new court decisions, and proposed and final critical habitat designations or revisions for species that have already been listed. The Service's highest priorities for spending its funding in FY 2021 are actions included in the Workplans and actions required to address court decisions.

Expeditious Progress

As explained above, a determination that listing is warranted but precluded must also demonstrate that expeditious progress is being made to add and remove qualified species to and from the Lists. Please note that in the Code of Federal Regulations, the ''Lists'' are grouped as one list of endangered and threatened wildlife (see 50 CFR 17.11(h)) and one list of endangered and threatened plants (see 50 CFR 17.12(h)). However, the ''Lists'' referred to in the Act mean one list of endangered species (wildlife and plants) and one list of threatened species (wildlife and plants). For the purposes of evaluating our expeditious progress, when we refer to the ''Lists,'' we mean this latter grouping of one list of endangered species and one list of threatened species.

As with our ''precluded'' finding, the evaluation of whether expeditious progress is being made is a function of the resources available and the competing demands for those funds. As discussed earlier, the FY 2021 appropriations law appropriated

$20,767,000 for all domestic and foreign listing activities.

As discussed below, given the limited resources available for listing, the competing demands for those funds, and the completed work catalogued in the tables below, we find that we are making expeditious progress to add qualified species to the Lists and to remove from the Lists species for which the protections of the Act are no longer necessary.

The work of the Service's domestic listing and foreign listing programs in FY 2021 (as of September 30, 2021) includes all three of the steps necessary for adding species to the Lists: (1) Identifying species that may warrant listing (including 90-day petition findings); (2) undertaking an evaluation of the best available scientific data about those species and the threats they face to determine whether or not listing is warranted (a status review and, for petitioned species, an accompanying 12-month finding); and (3) adding qualified species to the Lists (by publishing proposed and final listing rules). We explain in more detail how we are making expeditious progress in all three of the steps necessary for adding qualified species to the Lists (identifying, evaluating, and adding species). Subsequent to discussing our expeditious progress in adding qualified species to the Lists, we explain our expeditious progress in removing from the Lists species that no longer require the protections of the Act.

First, we are making expeditious progress in identifying species that may warrant listing. In FY 2021 (as of September 30, 2021), we completed 90-day findings on petitions to list 19 domestic species. For foreign species, we did not receive petitions to list species in FY 2021 and do not have any petitions pending for which a 90-day finding has not been made (as of September 30, 2021).

Second, we are making expeditious progress in evaluating the best scientific and commercial data available about species and threats they face (status reviews) to determine whether or not listing is warranted. In FY 2021 (as of September 30, 2021), we completed 12-month findings for 68 domestic species and 23 foreign species. In addition, we funded and initiated 12-month findings for 36 domestic species and 5 foreign species and proposed listing determinations for 3 candidates. Although we did not complete those actions during FY 2021 (as of September 30, 2021), we made expeditious progress towards doing so by initiating and making progress on the status reviews to determine whether adding the species to the Lists is warranted.

Third, we are making expeditious progress in adding qualified species to the Lists. In FY 2021 (as of September 30, 2021), we published final listing rules for 10 domestic species and 1 foreign species, including final critical habitat designations for 4 of those domestic species and final protective regulations under the Act's section 4(d) for 4 of those domestic species. In addition, we published proposed rules to list an additional 21 domestic species and 3 foreign species (including concurrent proposed critical habitat designations for 13 domestic species and concurrent protective regulations under the Act's section 4(d) for 10 domestic species and 2 foreign species).

Fourth, we are also making expeditious progress in removing (delisting) species, as well as reclassifying endangered species to threatened species status (downlisting). Delisting and downlisting actions are funded through the recovery line item in the budget of the Endangered Species Program. Thus, delisting and downlisting actions do not factor into our assessment of preclusion; that is, work on recovery actions does not preclude the availability of resources for completing new listing work. However, work on recovery actions does count towards our assessment of making expeditious progress because the Act states that expeditious progress includes both adding qualified species to, and removing qualified species from, the Lists of Endangered and Threatened Wildlife and Plants. In FY 2021 (as of September 30, 2021), we finalized downlisting rules for 2 domestic species with concurrent final protective regulations under the Act's section 4(d), finalized delisting rules for 8 domestic species, proposed downlisting rules for 8 domestic species (including concurrent protective regulations under the Act's section 4(d) for 7 domestic species), and proposed delisting rules for 34 domestic species. The rate at which the Service has completed delisting and downlisting actions in FY 2021 (as of September 30, 2021) is higher than any point in the history of the Act, which underscores the expeditious progress we are making.

Preclusion and Expeditious Progress

The tables below catalog the Service's progress in FY 2021 (as of September 30, 2021) as it pertains to our evaluation of preclusion and expeditious progress. Table 1 includes completed and published domestic and foreign listing actions; Table 2 includes domestic and foreign listing actions funded and initiated in previous fiscal years and in FY 2021 that were not yet complete as of September 30, 2021; and Table 3 includes completed and published proposed and final downlisting and delisting actions for domestic and foreign species.

TABLE 1—COMPLETED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2021 AS OF SEPTEMBER 30, 2021

Publication date	Title	Action(s)	**Federal Register** citation
10/8/2020	Threatened Species Status for Coastal Distinct Population Segment of the Pacific Marten With a Section 4(d) Rule.	Final Listing—Threatened with Section 4(d) Rule	85 FR 63806–63831
10/8/2020	Threatened Species Status for Eastern Black Rail With a Section 4(d) Rule.	Final Listing—Threatened with Section 4(d) Rule	85 FR 63764–63803
10/13/2020	Threatened Species Status With Section 4(d) Rule for Puerto Rican Harlequin Butterfly and Designation of Critical Habitat.	Proposed Listing—Threatened with Section 4(d) Rule and Critical Habitat and 12-Month Petition Finding.	85 FR 64908–64937
11/3/2020	Endangered Species Status for the Canoe Creek Clubshell and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat and 12-Month Petition Finding.	85 FR 69540–69563
11/12/2020	Threatened Species Status With Section 4(d) Rule for Sickle Darter.	Proposed Listing—Threatened with a Section 4(d) Rule and 12-Month Petition Finding.	85 FR 71859–71873

TABLE 1—COMPLETED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2021 AS OF SEPTEMBER 30, 2021—Continued

Publication date	Title	Action(s)	Federal Register citation
11/16/2020	Review of Domestic Species That Are Candidates for Listing as Endangered or Threatened; Annual Notification of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions.	CNOR and 12-Month Petition Findings	85 FR 73164–73179
11/19/2020	Threatened Species Status With Section 4(d) Rule for the Upper Coosa River Distinct Population Segment of Frecklebelly Madtom and Designation of Critical Habitat.	Proposed Listing—Threatened with a Section 4(d) Rule and Critical Habitat and 12-Month Petition Finding.	85 FR 74050–74088
12/1/2020	Endangered Species Status for the Peppered Chub and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat and 12-Month Petition Finding.	85 FR 77108–77138
12/2/2020	Threatened Species Status for *Pinus albicaulis* (Whitebark Pine) With Section 4(d) Rule.	Proposed Listing—Threatened with a Section 4(d) Rule.	85 FR 77408–77424
12/3/2020	Eleven Species Not Warranted for Listing as Endangered or Threatened Species*.	12-Month Petition Findings	85 FR 78029–78038
12/15/2020	12-Month Finding for the Northern Spotted Owl	12-Month Petition Finding	85 FR 81144–81152
12/17/2020	12-Month Finding for the Monarch Butterfly	12-Month Petition Finding	85 FR 81813–81822
3/4/2021	Endangered Species Status for Arizona Eryngo and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat.	86 FR 12563–12591
3/9/2021	Endangered Species Status for the Missouri Distinct Population Segment of Eastern Hellbender.	Final Listing—Endangered	86 FR 13465–13475
3/24/2021	90-Day Findings for Three Species	90-Day Petition Findings	86 FR 15637–15639
4/7/2021	12-Month Petition Finding and Threatened Species Status With Section 4(d) Rule for Suwannee Alligator Snapping Turtle.	Proposed Listing—Threatened with a Section 4(d) Rule and 12-Month Petition Finding.	86 FR 18014–18034
4/13/2021	Threatened Species Status for Streaked Horned Lark With Section 4(d) Rule.	Proposed Listing—Threatened with a Section 4(d) Rule.	86 FR 19186–19207
4/26/2021	Listing the Yangtze Sturgeon as an Endangered Species.	Final Listing—Endangered	86 FR 21950–21961
5/5/2021	Three Salamander Species Not Warranted for Listing as Endangered or Threatened Species.	12-Month Petition Findings	86 FR 23869–23872
5/11/2021	90-Day Findings for Three Species	90-Day Petition Findings	86 FR 25833–25836
5/11/2021	Two Species Not Warranted for Listing as Endangered or Threatened Species*.	12-Month Petition Findings	86 FR 25806–25808
6/1/2021	Lesser Prairie-Chicken; Threatened Status With Section 4(d) Rule for the Northern Distinct Population Segment and Endangered Status for the Southern Distinct Population Segment.	Proposed Listing—Endangered; Threatened with a Section 4(d) Rule.	86 FR 29432–29482
6/4/2021	Finding on a Petition To List the Tiehm's Buckwheat as Threatened or Endangered.	12-Month Petition Finding	86 FR 29975–29977
6/9/2021	Threatened Species Status With Section 4(d) Rule for Neuse River Waterdog, Endangered Species Status for Carolina Madtom, and Designations of Critical Habitat.	Final Listing—Threatened with Section 4(d) Rule and Critical Habitat; Endangered and Critical Habitat.	86 FR 30688–30751
6/15/2021	Threatened Species Status for Mount Rainier White-Tailed Ptarmigan With a Section 4(d) Rule.	Proposed Listing—Threatened with a Section 4(d) Rule.	86 FR 31668–31692
6/15/2021	Endangered Status for the Beardless Chinchweed and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat	86 FR 31830–31868
6/17/2021	90-Day Findings for Two Species	90-Day Petition Findings	86 FR 32241–32243
7/15/2021	Designation of Critical Habitat for Rufa Red Knot (Calidris canutus rufa).	Proposed Critical Habitat	86 FR 37410–37668
7/27/2021	90-Day Findings for Three Species	90-Day Petition Findings	86 FR 40186–40189
8/3/2021	Endangered Species Status for the Sierra Nevada Distinct Population Segment of the Sierra Nevada Red Fox.	Final Listing—Endangered	86 FR 41743–41758
8/4/2021	Threatened Species Status With Section 4(d) Rule for Emperor Penguin.	Proposed Listing—Threatened with Section 4(d) Rule.	86 FR 41917–41934
8/9/2021	Review of Foreign Species That Are Candidates for Listing as Endangered or Threatened; Annual Description of Progress on Listing Actions.	CNOR and 12-Month Petition Findings	86 FR 43470–43490
8/24/2021	Endangered Species Status for Franklin's Bumble Bee.	Final Listing—Endangered	86 FR 47221–47238
8/25/2021	Endangered Species Status for Amur Sturgeon	Proposed Listing—Endangered	86 FR 47457–47468

TABLE 1—COMPLETED DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTING AND UPLISTING RULES) IN FY 2021 AS OF SEPTEMBER 30, 2021—Continued

Publication date	Title	Action(s)	Federal Register citation
8/26/2021	Endangered and Threatened Wildlife and Plants; Endangered Species Status With Critical Habitat for Guadalupe Fatmucket, Texas Fatmucket, Guadalupe Orb, Texas Pimpleback, and False Spike, and Threatened Species Status With Section 4(d) Rule and Critical Habitat for Texas Fawnsfoot.	Proposed Listing—Endangered with Critical Habitat; Threatened with Section 4(d) Rule and Critical Habitat and 12-Month Petition Findings.	86 FR 47916–48011
8/31/2021	Threatened Status With Section 4(d) Rule for the Dolphin and Union Caribou and 12-Month Finding for the Peary Caribou.	Proposed Listing—Threatened with Section 4(d) Rule and 12-Month Petition Findings.	86 FR 48619–48649
8/31/2021	Threatened Species Status for Bartram's Stonecrop With a Section 4(d) Rule.	Final Listing—Threatened with Section 4(d) Rule	86 FR 48545–48569
9/7/2021	90-Day Finding on a Petition To Revise Critical Habitat for the Jaguar.	90-Day Petition Finding	86 FR 49985–49989
9/7/2021	Threatened Species Status With Section 4(d) Rule for Pyramid Pigtoe.	Proposed Listing—Threatened with Section 4(d) Rule.	86 FR 49989–50011
9/8/2021	Endangered Species Status for Slenderclaw Crayfish and Designation of Critical Habitat.	Final Listing—Endangered with Critical Habitat	86 FR 50264–50287
9/17/2021	90-Day Finding for Two Petitions To List the Gray Wolf in the Western United States.	90-Day Petition Findings	86 FR 51857–51859
9/27/2021	17 Species Not Warranted for Listing as Endangered or Threatened Species*.	12-Month Petition Findings	86 FR 53255–53261
9/28/2021	Endangered Species Status for the Peñasco Least Chipmunk and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat and 12-Month Petition Finding.	86 FR 53583–53609
9/28/2021	Endangered Status for South Llano Springs Moss and Designation of Critical Habitat.	Proposed Listing—Endangered with Critical Habitat and 12-Month Petition Finding.	86 FR 53609–53627
9/29/2021	90-Day Findings for Five Species	90-Day Petition Findings	86 FR 53937–53941
9/29/2021	Two Species Not Warranted for Listing as Endangered or Threatened Species*.	12-Month Petition Findings	86 FR 53933–53937

*Batched 12-month findings may include findings regarding listing and delisting petitions. The total number of 12-month findings reported in this assessment of preclusion and expeditious progress pertains to listing petitions only.

TABLE 2—DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTINGS AND UPLISTINGS) FUNDED AND INITIATED IN PREVIOUS FYS AND IN FY 2021 THAT ARE NOT YET COMPLETE AS OF SEPTEMBER 30, 2021

Species	Action
"Ouachita" fanshell	Proposed listing determination.
alligator snapping turtle*	12-month finding.
blanco blind salamander	12-month finding.
bog buckmoth*	Proposed listing determination.
bracted twistflower*	Proposed listing determination or not-warranted finding.
bushy whitlow-wort	12-month finding.
cactus ferruginous pygmy-owl*	12-month finding.
Chowanoke crayfish	12-month finding.
Cooper's cave amphipod	12-month finding.
Cumberland moccasinshell	12-month finding.
Egyptian tortoise*	12-month finding.
Georgia bully (swamp buckhorn)	12-month finding.
glowing indian-paintbrush	12-month finding.
Great Basin silverspot	12-month finding.
green floater	12-month finding.
Key ring-necked snake	12-month finding.
Lassics lupine	12-month finding.
longfin smelt (San Francisco Bay-Delta DPS)	Proposed listing determination or not-warranted finding.
Louisiana pigtoe	12-month finding.
magnificent ramshorn	Proposed listing determination or not-warranted finding.
minute cave amphipod	12-month finding.
Morrison's cave amphipod	12-month finding.
Navasota false foxglove	12-month finding.
oblong rocksnail	12-month finding.
Ocmulgee skullcap	12-month finding.
Persian sturgeon	12-month finding.
prostrate milkweed	12-month finding.
rim rock crowned snake	12-month finding.
Rio Grande cooter	12-month finding.
Russian sturgeon	12-month finding.
Shasta salamander	12-month finding.

TABLE 2—DOMESTIC AND FOREIGN LISTING ACTIONS (PROPOSED AND FINAL LISTINGS AND UPLISTINGS) FUNDED AND INITIATED IN PREVIOUS FYS AND IN FY 2021 THAT ARE NOT YET COMPLETE AS OF SEPTEMBER 30, 2021—Continued

Species	Action
Siberian sturgeon	12-month finding.
ship sturgeon	12-month finding.
southern elktoe	12-month finding.
stellate sturgeon	12-month finding.
Tennessee clubshell	12-month finding.
Tennessee pigtoe	12-month finding.
Texas heelsplitter	12-month finding.
Texas kangaroo rat	12-month finding.
Tharp's blue-star	12-month finding.
toothless blindcat	12-month finding.
western fanshell	12-month finding.
western spadefoot	12-month finding.
widemouth blindcat	12-month finding.

*Denotes species for which a 12-month finding or proposed listing determination has published subsequent to the end of FY 2021 (after September 30, 2021).

TABLE 3—COMPLETED DOMESTIC AND FOREIGN RECOVERY ACTIONS (PROPOSED AND FINAL DOWNLISTINGS AND DELISTINGS) IN FY 2021 AS OF SEPTEMBER 30, 2021

Publication date	Title	Action(s)	**Federal Register** citation
10/8/2020	Reclassification of the Red-Cockaded Woodpecker From Endangered to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	85 FR 63474–63499
10/15/2020	Reclassification of the American Burying Beetle From Endangered to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	85 FR 65241–65261
10/21/2020	Reclassification of *Eugenia woodburyana* as Threatened and Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	85 FR 66906–66925
11/3/2020	Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting and 90-Day Petition Finding.	85 FR 69778–69895
1/4/2021	Reclassification of the Endangered June Sucker to Threatened With a Section 4(d) Rule.	Final Rule—Downlisting with Section 4(d) Rule.	86 FR 192–212
1/13/2021	Removal of the Interior Least Tern From the Federal List of Endangered and Threatened Wildlife.	Final Rule—Delisting	86 FR 2564–2581
1/15/2021	Reclassifying Furbish's Lousewort (*Pedicularis furbishiae*) From Endangered to Threatened Status With a Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 3976–3986
3/8/2021	Removing Bradshaw's Lomatium (*Lomatium bradshawii*) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	86 FR 13200–13215
3/25/2021	Reclassification of the Hawaiian Stilt From Endangered to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 15855–15876
4/26/2021	Removal of the Dwarf-Flowered Heartleaf From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	86 FR 21994–22005
5/5/2021	Removing Five Species From San Clemente Island From the Federal Lists of Endangered and Threatened Wildlife and Plants.	Proposed Rule—Delisting	86 FR 23882–23913
6/16/2021	Removal of *Lepanthes eltoroensis* From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	86 FR 31972–31986
6/16/2021	Removing the Water Howellia From the List of Endangered and Threatened Plants.	Final Rule—Delisting	86 FR 31955–31972
6/23/2021	Reclassifying the Fender's Blue Butterfly From Endangered to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 32859–32878
6/24/2021	Reclassifying Smooth Coneflower as Threatened With Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 33159–33176
6/24/2021	Removal of *Chrysopsis floridana* (Florida Golden Aster) From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	86 FR 33177–33191
6/24/2021	Removing the Kanab Ambersnail From the List of Endangered and Threatened Wildlife.	Final Rule—Delisting	86 FR 33137–33142
6/30/2021	Removing Golden Paintbrush From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	86 FR 34695–34711
7/7/2021	Reclassification of the Razorback Sucker From Endangered to Threatened With a Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 35708–35728
7/14/2021	Reclassification of the Palo de Rosa From Endangered to Threatened With Section 4(d) Rule.	Proposed Rule—Downlisting with Section 4(d) Rule.	86 FR 37091–37113
7/30/2021	Removing *Adiantum vivesii* From the Federal List of Endangered and Threatened Plants.	Proposed Rule—Delisting	86 FR 40996–41000

TABLE 3—COMPLETED DOMESTIC AND FOREIGN RECOVERY ACTIONS (PROPOSED AND FINAL DOWNLISTINGS AND DELISTINGS) IN FY 2021 AS OF SEPTEMBER 30, 2021—Continued

Publication date	Title	Action(s)	**Federal Register** citation
8/6/2021	Removing *Trifolium Stoloniferum* (Running Buffalo Clover) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	86 FR 43102–43117
8/16/2021	Removing *Arenaria cumberlandensis* (Cumberland Sandwort) From the Federal List of Endangered and Threatened Plants.	Final Rule—Delisting	86 FR 45685–45698
9/1/2021	Removing the Snail Darter From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting and 12-Month Petition Finding.	86 FR 48953–48968
9/30/2021	Removal of 23 Extinct Species From the Lists of Endangered and Threatened Wildlife and Plants.	Proposed Rule—Delisting	86 FR 54298–54338
9/30/2021	Removing the Braken Bat Cave Meshweaver From the List of Endangered and Threatened Wildlife.	Proposed Rule—Delisting	86 FR 54145–54148

Another way that we have been expeditious in making progress in adding and removing qualified species to and from the Lists is that we have made our actions as efficient and timely as possible, given the requirements of the Act and regulations and constraints relating to workload and personnel. We are continually seeking ways to streamline processes or achieve economies of scale, such as batching related actions together for publication. For example, in FY 2021, we published a single proposed delisting rule for 23 species due to extinction (86 FR 54298). Given our limited budget for implementing section 4 of the Act, these efforts also contribute toward our expeditious progress in adding and removing qualified species to and from the Lists.

Findings for Petitioned Candidate Species

For all 27 candidates, we continue to find that listing is warranted but precluded as of the date of publication of this document. However, we are working on thorough reviews of all available data regarding 6 of these species and expect to publish either proposed listing rules or 12-month not-warranted findings prior to making the next annual CNOR. In the course of preparing proposed listing rules or not-warranted petition findings, we continue to monitor new information about these species' status so that we can make prompt use of our authority under section 4(b)(7) of the Act in the case of an emergency posing a significant risk to any of these species.

Below are updated summaries for the 21 petitioned candidates for which we published findings under section 4(b)(3)(B) of the Act and did not change the LPN. We changed the LPN for one petitioned candidate species for which we published findings under 4(b)(3)(B) of the Act; an updated summary is included under Listing Priority Changes in Candidates, below. In accordance with section 4(b)(3)(C)(i), we treat any petitions for which we made warranted-but-precluded 12-month findings within the past year as having been resubmitted on the date of the warranted-but-precluded finding. We are making continued warranted-but-precluded 12-month findings on the petitions for these species.

Birds

Black-Backed Tanager

The black-backed tanager is a vibrant and distinct color-patterned bird endemic to the coastal Atlantic Forest region of southeastern Brazil. The extent of the historical range is not known; however, early records for the species are available from the coastal states of Rio de Janeiro, São Paulo, Paranà, and Santa Catarina, Brazil. The black-backed tanager is generally restricted in range and is associated with sand forest ''restinga'' habitat, which is a coastal component habitat of the greater Atlantic Forest complex of Brazil. Restingas are herbaceous, shrubby coastal sand-dune habitats with characteristic vegetation including shrublands and forests up to 15 meters (49 feet) tall. The species is described as a regional migrant and is one of just a few tanagers known to migrate seasonally within the coastal Atlantic Forest region of Brazil. At present, the range is approximately 316,000 km^2 (122,008 mi^2) and decreasing. Small portions of the species' range occur in six protected areas, but enforcement of protection laws in these areas is not effective. As of 2000, the population size was estimated between 2,500 and 9,999 mature adults and decreasing; no additional population estimates have been conducted since 2000.

The primary factor affecting this species is the rapid and widespread loss and fragmentation of habitat, mainly due to urban expansion and beachfront development. Much of the species suitable habitat in Rio de Janeiro and Paraná has been destroyed. As much as 88 to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been lost or severely degraded as the result of human activities. Intact lowland forest, restinga, and mangrove habitat used by resident black-backed tanagers on the northern part of Santa Catarina Island (in the state of Santa Catarina) is unprotected, making the species vulnerable to extirpation on the island as development looms. Sea-level rise may alter the regional vegetation and structure. Habitat loss from sea-level rise could exacerbate the threat of habitat loss from ongoing coastal development.

The black-backed tanager is classified as vulnerable by the International Union for the Conservation of Nature (IUCN). The species is also listed as vulnerable in Brazil and protected by law. It is not included in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), although it has infrequently been illegally sold in the pet trade.

In our August 9, 2021, CNOR (86 FR 43470), the black-backed tanager was assigned an LPN of 8. After reevaluating the available information, we have determined that no change in its LPN of 8 is warranted. The species may have some flexibility in its diet and habitat suitability, given its fairly large range. Small portions of the species' range occur in six protected areas, but these areas are not effectively protected, and loss of the species habitat is widespread and ongoing. Therefore, an LPN of 8 is valid for this species to reflect imminent threats of moderate magnitude.

Bogotá Rail

The Bogotá rail (*Rallus semiplumbeus*) is a medium-sized, nonmigratory bird that occurs in the eastern Andean mountain range of Colombia at elevations from 2,500–4,000 meters (8,202–13,123 feet) above sea level. The rail is found in savanna and páramo (high-elevation habitats above tree line) marshes surrounding Bogotá, Colombia, on the Ubaté-Bogotá Plateau. The Bogotá rail is secretive and difficult to observe. As of 2016, the population was estimated between 1,000 and 2,500 individuals, and the estimated extent of the resident/breeding habitat was 11,200 km² (4,324 mi²) and shrinking.

The primary threat to the rail is habitat loss and degradation of wetlands. Suitable habitat for the Bogotá rail occurs around the most populated area in Colombia with approximately 11 million people in the greater Bogotá metropolitan area. Wetlands in the area only cover approximately 3 percent of their historical extent. Although portions of the Bogotá rail's range occur in protected areas such as Chingaza National Park and Carpanta Biological Reserve, most savanna wetlands are virtually unprotected. Ongoing threats to remaining major wetlands include encroachment of human infrastructure and agriculture that causes loss of habitat and altered water levels, soil erosion, eutrophication caused by untreated effluent and agrochemicals, hunting, wildfire, and incidental spread of invasive species.

The Bogotá rail is listed as endangered by IUCN. The species is not known to be in international trade, and is not included in the Appendices to CITES.

In our August 9, 2021, CNOR (86 FR 43470), the Bogotá rail was assigned an LPN of 2. After reevaluating the threats to this species, we have determined that no change in the LPN for the species is warranted. The species' range is very small, fragmented, and rapidly contracting because of ongoing widespread habitat loss and degradation of wetlands. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Brasília Tapaculo

The Brasília tapaculo (*Scytalopus novacapitalis*) is a small, gray, ground-dwelling bird with limited flight ability. It is endemic to the Cerrado, the largest, most diverse, and possibly most threatened tropical savanna in the world with a mosaic of habitats composed mostly of savannas and patches of dry forests. Within the Cerrado, the Brasília tapaculo is resident in its core habitat of dense, narrow strips of swampy gallery forests that occur on the edges of rivers and streams in narrow fringes, which are usually no wider than 200 meters (m) (656 feet (ft)) and occur at elevations of approximately 800–1,000 m (2,625–3,281 ft). The range of the Brasília tapaculo is in six protected areas within the Cerrado. In the early 2000s, only 1.2 percent of the Cerrado was in protected areas; however, more recent estimates are 6.5 percent. The Brasília tapaculo is described as rare, and the population size is unknown. However, the population is assumed to be declining because of the continued decline of the gallery-forest habitat.

The primary threat to Brasília tapaculo is ongoing habitat loss and fragmentation. Land in the Cerrado is converted for intensive grazing and mechanized agriculture, mostly for soybean production. Agriculture causes direct effects to gallery forests from wetland drainage and diversion of water for irrigation, as well as burning to create space. The Brasília tapaculo's gallery-forest habitat has been less affected by clearing for agriculture than the surrounding Cerrado. However, it is unclear how much core gallery forest has been destroyed because of habitat conversion. Additionally, effects from climate change may also be negatively altering the Cerrado and reducing the amount of specialized habitat for the species.

The IUCN lists the species as endangered, and the Brazilian Red List assessed the species as endangered, because of the species' small, fragmented range and the continuing decline in area and quality of habitat. International trade is not a significant threat to the species, and the species is not included in the Appendices to CITES.

In our August 9, 2021, CNOR (86 FR 43470), we assigned the Brasília tapaculo an LPN of 2. After reevaluating the available information, we have determined that no change to an LPN is warranted. The species only occurs in a handful of small, protected areas, and is reported as rare. Habitat conversion is ongoing. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Chatham Oystercatcher

Chatham oystercatcher (*Haematopus chathamensis*) is the rarest oystercatcher in the world. The population is approximately 300 individuals, and the bird breeds along the coastline of four islands in the Chatham Island group: Chatham, Pitt, South East, and Mangere. Chatham and Pitt Islands are inhabited by humans, while South East and Mangere are uninhabited nature reserves. There was one report of individuals on Star Keys, east of Pitt Island, but this observation was unconfirmed. Isolated pairs may breed on other smaller islands in the group.

Predation of eggs and chicks (and to a lesser extent, predation of adults) is likely the main impediment to Chatham oystercatcher population growth. Mangere and South East Islands are free of all mammalian predators; nonnative mammalian predators inhabit Chatham and Pitt Islands. Feral cats are the most common predator of oystercatcher eggs. Nest destruction by farm animals (sheep and cattle) and humans has been noted on beaches. Additionally, nonnative Marram grass (*Ammophila arenaria*) has altered the sand dunes and leaves few open nesting sites. Consequently, the Chatham oystercatcher is forced to nest closer to shore where nests are vulnerable to high tides and storm surges. Up to 50 percent of eggs have been lost because of storms or high tides. Projected rise in sea levels associated with climate change will likely increase storm frequency and severity, putting at risk the majority of shorelines that the Chatham oystercatcher relies on for nesting habitat.

The species has experienced a three-fold increase in its population since the first reliable census was conducted in 1987. Most of this increase occurred during a period of intensive management, especially predator control, from 1998 through 2004. The Chatham Island Oystercatcher Recovery Plan guides conservation actions for the species. The New Zealand Department of Conservation (NZDOC) lists the Chatham oystercatcher as nationally critical, and it is protected under New Zealand's Wildlife Act. It is classified as endangered on the IUCN Red List, and the species is not included in the Appendices to CITES and not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), the Chatham oystercatcher was assigned an LPN of 8. After reevaluating the available information, we have determined that no change in the LPN is warranted. Although the population appears to have stabilized, it remains very small (approximately 300 individuals), and occupied breeding habitat is also small (fewer than 800 hectares (1,977 acres)). Active management has been instrumental in maintaining stable population levels, but the species continues to face threats to its nests and habitat. Therefore, an LPN of 8 is valid for this species to

reflect imminent threats of moderate magnitude.

Gizo White-Eye

The Gizo white-eye (*Zosterops luteirostris*) is a passerine (perching) bird described as ''warbler-like.'' It is endemic to the small island of Ghizo in the Solomon Islands in the South Pacific Ocean, east of Papua New Guinea. Population size of the Gizo white-eye is approximately 250 and 999 mature individuals in an estimated area of 35 square kilometers (km^2) (14 square miles (mi^2)). Within this area, the Gizo white-eye is found primarily in old-growth forest patches that account for approximately 1 km^2 (0.39 mi^2) of Ghizo Island. While the species has been observed in a variety of habitat types, it is unknown whether sustainable populations can exist outside of forested habitats.

Habitat loss is the primary threat to the species. The loss of old-growth forested areas and less suitable secondary-growth forests is because of logging, conversion to agricultural areas, and local resource extraction for firewood. The dense human population and prolific human growth of the Solomon Islands is contributing to the loss of habitat on Ghizo Island, mainly in the form of temporary housing. Additionally, natural events like a 2007 tsunami degraded forested areas that were found less likely to support the species even 5 years later in 2012. Sea-level rise and an increase in storms could result in coastal flooding and erosion, saltwater intrusion, and damage to inland habitats.

The IUCN Red List classifies this species as endangered. It is not included in the Appendices to CITES, and this species is not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), the Gizo white-eye was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted. The species has a small population size and suitable habitat is declining. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Helmeted Woodpecker

We are updating the candidate list to reflect a change in the scientific name for helmeted woodpecker (*Celeus galeatus*). The genus has been reclassified to *Celeus* (BLI 2021, unpaginated; ITIS 2021, unpaginated; Cornell Lab 2021, unpaginated).

The helmeted woodpecker is a small, nonmigratory woodpecker native to regions of southern Brazil, eastern Paraguay, and northeastern Argentina. It is one of the rarest woodpeckers in the Americas. Helmeted woodpeckers prefer mature (old-growth) trees in tropical and subtropical semi-deciduous forests as well as in mixed deciduous coniferous forests in the southern Atlantic Forest up to elevations of 1,000 m (3,280 ft). The species occurs in subpopulations in suitable habitat within its range, and the total population is estimated to be between 700 and 21,000 mature individuals. However, a precautionary best estimate is around 3,600 mature individuals.

The primary threat to the species is habitat loss, degradation, and fragmentation, which includes loss of nesting cavities. The Atlantic Forest biome has lost 88 to 95 percent of its tropical forests because of human activities. Currently, less than 1 percent of the remaining Atlantic Forest is primary forest preferred by the helmeted woodpecker. The species occurs in 17 protected areas throughout its range, although selective logging and other activities degrade the habitat. Rates of deforestation in the helmeted woodpecker's range may decrease in certain years, but habitat degradation continues and the population is assumed to be declining.

The helmeted woodpecker is listed as endangered in Brazil and as vulnerable by the IUCN. The species is not included in the Appendices to CITES and not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), we assigned the helmeted woodpecker an LPN of 8. After reevaluating the available information, we find that no change in the LPN for the species is warranted. The species is rare, and although the species may have a wider distribution, loss of primary Atlantic Forest habitat is ongoing. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Lord Howe Island Pied Currawong

The Lord Howe Island pied currawong (*Strepera graculina crissalis*) is a fairly large, crow-like bird that is endemic to Lord Howe Island, New South Wales, Australia. The Lord Howe Island pied currawong occurs throughout the island but is most numerous in mountainous regions, breeds in rainforests and palm forests, and descends to foraging areas in lowlands. The best current population estimate is approximately 200 individuals. Most, if not all, available habitat on Lord Howe Island is occupied based on the estimate of 200 individuals and estimates of the extent of available breeding habitat.

The primary threats to the subspecies are the introduction of nonnative rodents to this island ecosystem and the effects of climate change. The Lord Howe Island pied currawong has persisted among invasive black rats. However, because the currawong often preys on small rodents, it may be subject to non-target poisoning during ongoing rat-baiting programs. A study is underway focusing on how the species has been affected by the poison-bait applications. The effects of climate change may affect the cloud layer on the island's mountaintops, resulting in drying of the forest where the subspecies gets about half of its food, and creating a food shortage. The small, isolated population of currawongs is at risk from loss of genetic diversity and stochastic (random) environmental events. However, this population may have always been small and may not have the capacity for additional growth.

The Australian Government owns and manages all the land on Lord Howe Island. Approximately 75 percent of the island, plus all outlying islets and rocks within the Lord Howe Island group, is protected under the Permanent Park Preserve. The Lord Howe Island Biodiversity Management Plan is the formal recovery plan for threatened species and communities of the Lord Howe Island Group. Following the removal of poison-bait traps in 2020, monitoring is underway across the island to see if it has become rat-free. The New South Wales Threatened Species Conservation Act of 1995 lists the Lord Howe Island pied currawong as vulnerable, as does Australia's Environment Protection and Biodiversity Conservation Act List of Threatened Fauna. The subspecies is not listed on the IUCN Red List, is not included in the Appendices to CITES, and is not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), the Lord Howe Island pied currawong was assigned an LPN of 6. After reevaluating the threats to the Lord Howe Island pied currawong, we have determined that no change in the LPN for the subspecies is warranted. The subspecies' small population size faces risks from non-target poisoning from rodent control. Significant conservation efforts have been implemented. Therefore, based on the best information available, an LPN of 6 remains valid to reflect non-imminent threats of high magnitude.

Okinawa Woodpecker

The Okinawa woodpecker (*Dendrocopos noguchii;* syn. *Sapheopipo noguchii*) is a relatively large woodpecker found on Okinawa Island, Japan, and one of the world's rarest woodpeckers. The species prefers subtropical evergreen broadleaf forests that are undisturbed and mature. Okinawa woodpecker's main breeding areas occur in the forested areas in the northern part of the island, and in well-forested coastal areas of Yambaru, an area of approximately 300 km^2, or 116 mi^2. Most of the older forests that support the species are within the Jungle Warfare Training Center (formerly known as the Northern Training Area or Camp Gonsalves), part of the U.S. Marine Corps installation on Okinawa Island.

The primary threat to the Okinawa woodpecker is deforestation in the Yambaru region. As of the mid 1990s, only 40 km^2 (15 mi^2) of suitable habitat was available for the Okinawa woodpecker, with most of it part of the Jungle Warfare Training Center that is relatively undisturbed. This situation makes it vulnerable to extinction from disease and natural disasters such as typhoons. Additionally, the species is vulnerable to introduced predators such as feral dogs and cats, Javan mongoose (*Herpestes javanicus*), and Japanese weasel (*Mustela itatsi*).

The Japanese Government established Yambaru National Park in 2016. In July 2021, the United Nations Educational, Scientific and Cultural Organization (UNESCO) added Amami-Oshima Island, Tokunoshima Island, the northern part of the main Okinawa Island (which contains Yambaru National Park), and Iriomote Island to the list of natural World Heritage sites. The species is listed as critically endangered in the Red List of Threatened Birds in Japan and protected from acquisition and transfer under Japan's wildlife-protection system. Okinawa woodpecker is not included in the Appendices to CITES, and is not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), the Okinawa woodpecker was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted. Threats to the species are high in magnitude due to the scarcity of its old-growth habitat. The population is very small and is likely declining. Although new protected areas have been established that will likely benefit the Okinawa woodpecker, it is not yet clear that these areas will be fully protected from logging and other anthropogenic development and nonnative predators. Even though threats from logging have been reduced, it will take many years for secondary and clear-cut forest habitat to mature such that it is suitable for the woodpecker. The threats to the species are ongoing, imminent, and high in magnitude due to its restricted range, small population size, past habitat loss, and endemism. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Orange-Fronted Parakeet

The orange-fronted parakeet (*Cyanoramphus malherbi*) is the rarest parakeet in New Zealand, and the three remaining naturally occurring colonies are restricted to a small area on South Island. Beginning in 2005, captive-bred orange-fronted parakeets were translocated to four predator-free islands and bred successfully. The population size of the orange-fronted parakeet is approximately 350 individuals, with the offshore population around 100 individuals and the mainland population around 250 individuals. In 2019, the orange-fronted parakeet had one of its best breeding seasons in decades, with more than three times as many nests compared to previous years, and produced at least 150 wild-born chicks, almost doubling the population. We do not have information on the current size of the population after the 2019 breeding season.

The primary threats affecting the species on the mainland are predation by nonnative mammals, as well as habitat destruction because of deforestation. Habitat loss and degradation has historically affected large areas of native forest on the mainland. The orange-fronted parakeet nests in beech forests (*Nothofagus* spp.), and removal of mature trees with nest cavities has increased competition with other native parakeets for nest sites.

The New Zealand Department of Conservation (NZDOC) initiated a captive-breeding program and established small, self-sustaining populations on four predator-free islands. The species was uplisted from nationally endangered to nationally critical by the NZDOC in 2016; it is protected under New Zealand's Wildlife Act, and is listed as critically endangered on the IUCN's Red List. The orange-fronted parakeet is included in Appendix II to CITES.

In our August 9, 2021, CNOR (86 FR 43470), the orange-fronted parakeet was assigned an LPN of 8. After reevaluating the threats to the orange-fronted parakeet, we have determined that no change in LPN for the species is warranted. The current population is small, and the species' distribution is limited. Nonnative predators and loss of suitable habitat continue to threaten the species. The NZDOC is actively aiding the recovery of the species. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Sira Curassow

The Sira curassow (*Pauxi keopckeae*) is a large game bird that is similar in size and coloration to the southern helmeted curassow, but their ranges are separated by approximately 2,000 kilometers (1,243 miles), and the Sira curassow has a shorter and rounder pale-blue casque that is flattened against the head. The Sira curassow is known only from the Cerros del Sira region of Peru, which is an isolated mountain outcrop of the Peruvian Andes. The Sira curassow inhabits cloud-forest habitat (a type of rainforest that occurs on high mountains in the tropics) at elevations of at least 1,100–1,450 m (3,609–4,757 ft). Most of the species' range is in El Sira Communal Reserve and is limited and declining. The population is estimated at fewer than 250 adults.

Primary threats to the species are hunting by local indigenous communities and habitat loss and degradation because of subsistence agriculture, forest clearing, road building, and associated rural development. Although the Sira curassow is legally protected in a large portion of its range within the El Sira Communal Reserve, illegal hunting and deforestation continues.

The species is classified as critically endangered on the IUCN Red List. Sira curassow is not known to be in international trade, and is not included in the Appendices to CITES. The Sira curassow is also not included in the European Union Wildlife Trade Regulations.

In our August 9, 2021, CNOR (86 FR 43470), the Sira curassow was assigned an LPN of 2. After reevaluating the threats to the species, we have determined that no change in the LPN is warranted. It faces threats that are high in magnitude based on its very small estimated population and limited range. The protected area where the species occurs continues to face pressure from hunting and habitat loss, and the very small population and its habitat will likely continue to decline in the future. Therefore, an LPN of 2 remains valid to reflect imminent threats of high magnitude.

Southern Helmeted Curassow

The southern helmeted curassow (*Pauxi unicornis*), also known as the helmeted or horned curassow, is a game bird with a distinctive pale-blue, horn-like appendage (called a ''casque'') above its bill. The southern helmeted curassow only occurs in central Bolivia on the eastern slope of the Andes, where it has been found in the neighboring Amboró and Carrasco National Parks. The southern helmeted curassow strongly resembles the Sira curassow (*Pauxi koepckeae*) from Peru, although their ranges are separated by more than 1,000 kilometers (621 miles). Casque shape and size are a good distinguishing feature. The southern helmeted curassow inhabits dense, humid, foothill and lower montane forest and adjacent evergreen forest at altitudes between 450 and 1,500 m (1,476 and 4,921 ft). The estimated extent of the resident/breeding area is 10,700 km^2 (4,131 mi^2) and declining. Population size is estimated to be between 1,000 and 4,999 mature individuals, the equivalent of 1,500 to 7,500 individuals.

Primary threats to the species are hunting and habitat loss. Although the national parks have been important for the preservation of the species, financial and human resources needed to protect park resources are limited. Within the parks, there are human settlements and ongoing encroachment, including illegal logging operations and forest clearing for farming. Rural development and road building limit the species' ability to disperse. Range reductions due to effects from climate change are also predicted for the southern helmeted curassow, when warming temperatures may cause the species to shift its distribution upslope and outside of protected national parks.

The southern helmeted curassow is classified as critically endangered on the IUCN Red List. Trade has not been noted internationally, and the species is not included in the Appendices to CITES. The species is listed on Annex D of the European Union Wildlife Trade Regulations; species listed on Annex D require the importer to complete an import-notification form.

In our August 9, 2021, CNOR (86 FR 43470), the southern helmeted curassow was assigned an LPN of 2. After reevaluating the threats to the species, we have determined that no change in the LPN is warranted. The species faces threats that are high in magnitude based on its small, limited range. The few protected areas where it exists continue to face pressure from hunting and from habitat loss and destruction, and the population will likely continue to decline. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Takahē

Takahē (*Porphyrio hochstetteri*) is the largest extant rail in the world. The species is flightless, native to New Zealand's South Island, and present on North Island and some offshore islands because of reintroduction and conservation efforts. The takahē was once widespread in the forest and grassland ecosystems of the South Island of New Zealand. Since the mid-1990s, the species was present in a relatively small area of the Murchison and Stuart Mountains, inhabiting approximately 650 km^2 (251 mi^2). New Zealand classified 530 km^2 (205 mi^2) as a ''special area'' with restricted access. The population of takahē remains very small; it is estimated to be 50 to 250 adults and decreasing.

Primary threats to the takahē include hunting, competition from nonnative species, and predators such as weasels and the weka (*Gallirallus australis hectori*), a flightless woodhen that is endemic to New Zealand. Currently, weasel predation appears to be the most significant of these threats. Weasel trapping is ongoing and is an effective tool to increase takahē's breeding success; however, the threat of weasel predation continues.

New Zealand considers the takahē a nationally vulnerable species, and it is protected under New Zealand's Wildlife Act. The takahē is listed as endangered on the IUCN Red List. The species is not known to be in international trade, and the species is not included in the Appendices to CITES. The NZDOC is actively managing populations through conservation efforts that include captive-rearing and reintroductions, predator control, management of grassland habitats, and research. Population numbers appear to be slowly increasing due to intensive management of these populations

In our August 9, 2021, CNOR (86 FR 43470), the takahē was assigned an LPN of 8. After reevaluating the threats to the takahē, we have determined that no change in LPN for the species is warranted. The takahē has a small population size and limited range. The NZDOC is actively managing threats to aid in the recovery of the species. Therefore, the LPN remains at 8 to reflect imminent threats of moderate magnitude.

Yellow-Browed Toucanet

The yellow-browed toucanet (*Aulacorhynchus huallagae*) is a rare bird of the toucan family that occurs in the Andes Mountains of north-central Peru. The species currently occupies three small locations in humid montane forests on the eastern slope of the Andes in north-central Peru at elevations of 2,000–2,600 m (6,562–8,530 ft) above sea level. The population status is not well known because of the inaccessibility of its habitat, but is estimated at 600 to 1,500 mature individuals.

Deforestation for livestock, agriculture, timber, and gold mining are the primary threat. Habitat loss and destruction from deforestation for agriculture have been widespread in the region. Population declines resulting from habitat loss are assumed. Given the inherent threats to small populations (*e.g.,* loss of genetic diversity via genetic drift, stochastic environmental events), continued habitat loss and degradation will exacerbate the risk to the species.

Part of the species' range is within protected national parks, with Río Abiseo National Park a target for World Wide Fund for Nature's top Andean conservation priorities. The yellow-browed toucanet is classified as endangered on the IUCN Red List. The species is not included in the Appendices to CITES and is not known to be in international trade.

In our August 9, 2021, CNOR (86 FR 43470), the yellow-browed toucanet was assigned an LPN of 2. After reevaluating the available information, we find that no change in the LPN is warranted. The estimated population is small within a restricted range. The magnitude of threats to the habitat remains high, and its population is likely declining. Therefore, an LPN of 2 remains valid for this species to reflect imminent threats of high magnitude.

Fish

Rio Grande Cutthroat Trout

Rio Grande cutthroat trout (*Oncorhynchus clarkii virginalis*) is one of 14 subspecies of cutthroat trout found in the western United States. Populations of this subspecies are in New Mexico and Colorado in drainages of the Rio Grande, Pecos, and Canadian Rivers. Although once widely distributed in connected stream networks, Rio Grande cutthroat trout populations now occupy approximately 11 percent of historical habitat, and the populations are fragmented and isolated from one another. The majority of populations occur in high-elevation streams. We were petitioned to list Rio Grande cutthroat trout as an endangered or threatened species under the Act in 1998. On May 14, 2008, we found that listing the subspecies was warranted but

precluded by higher priority actions, and the entity was added to our list of candidate species (73 FR 27900). After completing a species status assessment (SSA), we published a 12-month petition finding, which determined that the Rio Grande cutthroat trout was not warranted for listing as endangered or threatened under the Act (79 FR 59140; October 1, 2014).

On July 29, 2016, the Center for Biological Diversity (CBD) and Taylor McKinnon filed a complaint in the Colorado District Court challenging the merits of our October 1, 2014, ''not warranted'' finding (79 FR 59140); see *CBD, et al.* v. *Bernhardt, et al.,* No. 1:16–cv–01932–MSK–STV (D. Colo.). On September 26, 2019, the court partially vacated and remanded the October 1, 2014, 12-month finding; We have added the Rio Grande cutthroat trout to our workplan for FY 2025. Because the magnitude of threats is moderate to low and those threats are imminent, we assigned an LPN of 9 to the Rio Grande cutthroat trout.

Clams

Colorado Delta Clam

The Colorado Delta clam (*Mulinia modesta*) is a relatively large, light-colored estuarine bivalve that was once very abundant at the head of the Gulf of California in the Colorado River estuary. The species inhabits shallow, muddy waters of the coast and requires adequate substrate and water salinity to successfully breed and develop. The Colorado Delta clam currently occurs in the upper, northern, and central portions of the Gulf of California, and is capable of living in salinities ranging from brackish (mixture of salt and fresh water) to full seawater. The extent of the species is relatively large, although densities are significantly lower than they were historically.

The historical population of the Colorado Delta clam in the upper Gulf was estimated to be at least 5 billion individuals, accounting for 84–95 percent of all bivalve mollusks in the upper Gulf. However, after decades of dam building on the Colorado River and its tributaries, the Colorado Delta clam is estimated to be 6 percent as abundant in the upper Gulf as it was before dam construction began. While the clam has declined dramatically in the upper Gulf where it was historically most abundant, we are not aware of total population estimates covering the entire species' range.

The decline of the clam in the upper Gulf of California region is likely a consequence of dam building. From the 1990s until 2017, 0 percent of the Colorado River's flow reached the Gulf. Since 2017, 2 percent of the river's flow has reached the Gulf of California. Environmental changes to the estuary associated with reduced river flow include increased salinity, decreased sediment load, decreased input of naturally derived nutrients, and elimination of the spring/summer flood. Low flows are expected to continue and worsen as climate-change-induced drought reduces river flow.

A binational agreement with Mexico requires the United States to invest in water conservation, habitat restoration, and scientific monitoring projects in the delta and release approximately 2 percent of natural flow through 2026. Portions of the species' range occur within two protected areas that are part of the UNESCO Biosphere Reserve Program and are owned and managed by the Mexican Government.

In our August 9, 2021, CNOR (86 FR 43470), the Colorado Delta clam was assigned an LPN of 8. After reevaluating the threats to this species, we have determined that no change in its LPN of 8 is warranted. The threat of habitat loss and degradation in the Colorado delta region is ongoing. However, this threat appears to be affecting the clam in the upper Gulf of California and not throughout the remainder of its range. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Insects

Fluminense Swallowtail

The Fluminense swallowtail (*Parides ascanius*) butterfly is a black, white, and red swallowtail. The species may be confused with the Harris' mimic swallowtail (*Mimoides* (syn. *Eurytides*) *lysithous harrisianus*), but the Harris' mimic swallowtail has a red streak on the underside of its wings. Fluminense swallowtail is endemic to sand forests (or ''restingas'') of the Atlantic Forest in coastal Brazil. The species currently occupies an estimated 116 km^2 (45 mi^2) in sparse habitat fragments across the swampy coastal forests in the State of Rio de Janeiro. Fluminense swallowtail occupies at least eight sites between which there is movement of individuals. A study at Biological Reserve of Poço das Antas estimated that the subpopulation ranged from about 10 to 50 individuals. The best available information does not provide estimates for butterfly numbers in the remaining subpopulations.

Habitat loss caused by road and building construction is the main threat affecting Fluminense swallowtail. Sea-level rise may result in further habitat loss as humans continue to develop suitable habitat further inland as they relocate to avoid coastal flooding. Eighty-eight to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been converted or severely degraded because of human activities. Additionally, illegal collection is likely occurring and ongoing. The species is located near urban areas and is easy to capture. The impact of illegal collection is difficult to assess, but removal of individuals from the remaining populations with decreasing habitat could contribute to local extirpations.

While several of the populations occur in protected areas (including the Poço das Antas Biological Reserve, Três Picos State Park, and Guapiaçu Ecological Reserve), only one of the subpopulations occurs within a highly protected area (Poço das Antas Biological Reserve). The majority of the remaining populations are on smaller, fragmented parcels with limited or no protections. Between 2001 and 2006, biological corridors were planned or created to connect existing protected areas to 13 privately protected forests by restoring habitat to assist the habitat connectivity for the species, but this effort has not yet been evaluated. Management plans for the Restinga National Park of Jurubatiba and Poço das Antas Biological Reserve address conservation of Fluminense swallowtail.

Fluminense swallowtail was the first invertebrate to officially be noted on the list of Brazilian animals threatened with extinction in 1973. The species is categorized by Brazil as endangered, and has been classified as vulnerable by the IUCN Red List since 1983. Fluminense swallowtail is not included in the Appendices to CITES. However, the European Commission listed the species on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require a permit for import.

In our August 9, 2021, CNOR (86 FR 43470), Fluminense swallowtail was assigned an LPN of 2. After reevaluating the stressors to this species, we have determined that no change to the LPN is warranted. The overall number of subpopulations recorded for the species has declined from previous records of fewer than 20 colonies to approximately 8 to 12, and the species continues to decline. Despite the conservation measures in place, the species continues to face stressors (*e.g.,* habitat loss and destruction, and illegal collection and trade). Therefore, an LPN of 2 remains valid to reflect imminent threats of high magnitude.

Hahnel's Amazonian Swallowtail

Hahnel's Amazonian swallowtail (*Parides hahneli*) is a large black and yellow butterfly endemic to Brazil. The species is known to occur in six locations in central Brazil in the states of Amazonas and Pará. However, the species is very rare, and there is little recent data to confirm that the species still occurs in these areas. Hahnel's Amazonian swallowtail occurs in remote regions along the tributaries of the middle and lower Amazon River basin in sandy riparian areas with dense scrub vegetation or forest. The species likely feeds on only one larval host plant species. Although the host plant species has not been identified, it is suspected to be in the genus *Aristolochia.* Population size and trends are not known for this species.

Loss of habitat from deforestation is the primary threat to the species. The States of Pará and Amazonas experienced high rates of deforestation over the past 30 years, with deforestation continuing within the range of the species. The butterfly has been collected for commercial trade and may also be reared for trade. Locations in the wild have deliberately been kept secret given the high value of this butterfly to collectors.

Hahnel's Amazonian swallowtail is listed as endangered on the State of Pará's list of threatened species, but it is not listed by the State of Amazonas or by Brazil. The species is classified as data deficient on the IUCN Red List, and is not included in the Appendices to CITES. The species is listed on Annex B of the European Union Wildlife Trade Regulations; therefore, a permit is required for import of the species.

In our August 9, 2021, CNOR (86 FR 43470), Hahnel's Amazonian swallowtail was assigned an LPN of 2. After reevaluating the threats to Hahnel's Amazonian swallowtail, we have determined that no change in the LPN is warranted. The species has a small endemic population, and its highly specialized habitat is limited and habitat alteration and destruction are ongoing in Pará and Amazonas and is likely to continue. Potential impacts from collection are unknown but, in combination with habitat loss, could contribute to local extirpations. Therefore, an LPN of 2 remains valid to reflect imminent threats of high magnitude.

Harris' Mimic Swallowtail

Harris' mimic swallowtail (*Mimoides* (syn. *Eurytides*) *lysithous harrisianus*) is a medium-sized black, white, and red swallowtail. This butterfly is a mimic (looks like other species); lower portions of the hindwing have large red spots that mimic the rose-red markings on the Fluminense swallowtail, a toxic butterfly that most predators avoid. Harris' mimic swallowtail occupies coastal habitats of the Atlantic forest, specifically restinga habitats (sandy, coastal forest) with lowland swamps and sandy flats above the tidal margins of the coast. Harris' mimic swallowtail historically occurred in southern Espirito Santo State and along the coast of the State of Rio de Janeiro, Brazil. Records indicated that the butterfly occupied five sites in the State of Rio de Janeiro. Two areas are within protected areas, and the other sites appear to be under municipal conservation with uncertain protected status. The best-studied site at Barra de São João has maintained a stable and viable size for nearly two decades, but since 2004 limited information exists on its status. The best available data do not indicate recent population numbers in any of the other colonies or locations.

Habitat destruction has been the main threat and is ongoing. Eighty-eight to 95 percent of the area historically covered by tropical forests within the Atlantic Forest biome has been converted or severely degraded as the result of human activities. Remaining tracts of the subspecies' habitat are severely fragmented, and coastal Atlantic Forest ecoregions are at risk from proposed development, climate change, wildfire, and sea-level rise. Additionally, specimens of Harris' mimic swallowtail are routinely advertised online, ranging from $1,000 to $2,200 (U.S. dollars), indicating that illegal collection and trade may be occurring. The effect of illegal collection to Harris' mimic swallowtail likely contributes to population decline and local extirpations.

Harris' mimic swallowtail benefits from the Poço das Antas Biological Reserve, which was established to protect the golden lion tamarin (*Leontopithecus rosalia*). The Reserve's purpose is solely for protection, research, and environmental education and its management plan has an objective to identify possible occurrences of the butterfly. Harris' mimic swallowtail is categorized on the list of Brazilian fauna threatened with extinction. The subspecies is not currently on the IUCN Red list, although it was identified as a threatened or extinct subspecies in the family Papilionidae in the 1994 IUCN Red List. The subspecies is not included in the Appendices to CITES, and is not regulated on the annexes to European Union Wildlife Trade Regulations.

In our August 9, 2021, CNOR (86 FR 43470), Harris' mimic swallowtail was assigned an LPN of 3. Threats are high in magnitude and imminent because the butterfly only occurs in a few small, fragmented colonies, habitat loss and degradation is ongoing, and the potential for catastrophic events such as fire remains. Additionally, although the subspecies is protected by Brazilian law and several of the colonies are located within protected areas, the high price advertised online for specimens indicates demand for the subspecies, likely from illegal collection. Despite the conservation measures in place, the species continues to face stressors (*e.g.,* habitat loss and destruction, and illegal collection and trade). Therefore, an LPN of 3 remains valid to reflect imminent threats of high magnitude.

Jamaican Kite Swallowtail

The Jamaican kite swallowtail (*Protographium* (syn. *Eurytides*) *marcellinus*) is a small, blue-green and black butterfly endemic to Jamaica. This butterfly is regarded as Jamaica's most endangered butterfly. The Jamaican kite swallowtail is restricted to limestone forests; breeding populations only occur in rare, dense stands of its only known larval host plant, black lancewood (*Oxandra lanceolata*). Five known sites have supported colonies of the Jamaican kite swallowtail. Two of the sites may be extirpated, the status of one site is uncertain, and two sites are viable with strong numbers in some years. There is no known estimate of population size, and numbers of mature adults are low in most years; however, occasionally there are strong flight seasons in which adult densities are relatively higher.

The primary threat to the Jamaican kite swallowtail is habitat loss and fragmentation. Forests were cleared for agriculture and timber extraction, and more recently for sapling cutting for yam sticks, fish pots, or charcoal. Additional threats include mining for limestone (used for roadbuilding) and bauxite (for aluminum production, an important economic activity), and human-caused fires from slash-and-burn agriculture and charcoal-making. Only around 8 percent of the total land area of Jamaica is natural forest with minimal human disturbance. Collection and trade of the species occurred in the past. Currently, this threat may be negligible because of heavy fines under the Jamaican Wildlife Protection Act. Predation from native predators, including spiders, the Jamaican tody (*Todus todus*), and praying mantis (*Mantis religiosa*), may be adversely affecting the Jamaican kite swallowtail, especially in the smaller

subpopulations. In years with large populations of spiders, very few swallowtail larvae survive. Additionally, this species may be at greater risk of extinction due to natural events such as hurricanes and effects from climate change.

Since 2001, the Jamaican kite swallowtail has been protected under the Jamaican Wildlife Protection Act. The species is also included in their National Strategy and Action Plan on Biological Diversity. The two strongest subpopulations occur in protected areas, although habitat destruction within these areas continues. Since 1985, the Jamaican kite swallowtail has been categorized on IUCN's Red List as vulnerable, but the assessment is marked as needs updating. This species is not included in the Appendices to CITES or the European Union Wildlife Trade Regulations.

In our August 9, 2021, CNOR (86 FR 43470), the Jamaican kite swallowtail was assigned an LPN of 2. After reevaluating the factors affecting the Jamaican kite swallowtail, we have determined that no change in LPN is warranted. Only five small subpopulations of the species are known, and as few as two of these subpopulations may presently be viable. Although Jamaica has taken regulatory steps to preserve native swallowtail habitat, plans for conservation of vital areas for the butterfly have not been implemented. Therefore, an LPN of 2 remains valid to reflect imminent threats of high magnitude.

Kaiser-i-Hind Swallowtail

Kaiser-i-Hind swallowtail (*Teinopalpus imperialis*) is a large, ornate and colorful swallowtail butterfly that displays sexual dimorphism (sexes differ in size and coloration). The species is native to the Himalayan regions of Bhutan, China, India, Laos, Myanmar, Nepal, Thailand, and Vietnam. Although the Kaiser-i-Hind butterfly has a large range and was likely more widespread historically, it is currently restricted to higher elevations above sea level (1,500 to 3,050 m (4,921 to 10,000 ft)) in the mountain foothills and other mountainous regions. The species prefers undisturbed (primary) broad-leaved-evergreen forests or montane deciduous forests. Specific details on locations or population status are not readily available, and despite widespread distribution, populations are described as being local and never abundant.

Habitat destruction negatively affects this species. In China and India, the Kaiser-i-Hind swallowtail populations are affected by habitat modification and destruction due to commercial and illegal logging, as well as clearing for agriculture in India. In Nepal, the species is affected by habitat disturbance and destruction resulting from mining, wood collection for use as fuel, deforestation, collection of fodders and fiber plants, forest fires, invasion of bamboo species into the oak forests, agriculture, and grazing animals. In Vietnam, the forest habitat is reportedly declining. Comprehensive information on the rate of degradation of Himalayan forests containing the Kaiser-i-Hind swallowtail is not available, but ongoing habitat loss is reported consistently as one of the primary threats to the species. Collection for commercial trade is also regarded as a threat to the species. The Kaiser-i-Hind swallowtail is highly valued and has been collected and traded despite various prohibitions. Although it is difficult to assess the potential impacts from collection, the removal of individuals from the wild in combination with other stressors could contribute to local extirpations.

In China, the species is protected by the Law of the People's Republic of China on the Protection of Wildlife. In India, the species is listed on Schedule II of the Indian Wildlife Protection Act. In Thailand, all butterflies in the genus *Teinopalpus*, including the Kaiser-i-Hind swallowtail, are listed under Thailand's Wild Animal Reservation and Protection Act. In Vietnam, the species is listed as ''Vulnerable'' in the 2007 Vietnam Red Data Book and is reported to be the most valuable of all butterflies in Vietnam. In 2006, the species was listed on Vietnam's Schedule IIB of Decree No. 32 on management of endangered, precious, and rare forest plants and animals. Since 1996, the Kaiser-i-Hind swallowtail has been categorized on the IUCN Red List as lower risk/near threatened, but IUCN indicates that this assessment needs updating. The Kaiser-i-Hind swallowtail has been included in CITES Appendix II since 1987. Additionally, the Kaiser-i-Hind swallowtail is listed on Annex B of the European Union Wildlife Trade Regulations; species listed on Annex B require an import permit.

In our August 9, 2021, CNOR (86 FR 43470), the Kaiser-i-Hind swallowtail was assigned an LPN of 8. After reevaluating the threats to this species, we have determined that no change in its LPN of 8 is warranted. The species has a wide distribution, although populations are local and never abundant. Threats from habitat destruction and illegal collection are moderate in magnitude due to the species' wide distribution and to various protections in place within each country. The threats are imminent due to ongoing habitat destruction and high market value for specimens. Therefore, an LPN of 8 remains valid to reflect imminent threats of moderate magnitude.

Monarch Butterfly

The petition that the Service received in 2014 was for listing a subspecies of the monarch butterfly (*Danaus plexippus plexippus*). After careful examination of the literature and consultation with experts, there is no clearly agreed-upon definition of potential subspecies of *Danaus plexippus* or where the geographic borders between these subspecies might exist. In our December 17, 2020, 12-month finding (85 FR 81813), we determined that the monarch butterfly (*Danaus plexippus*) warranted listing as an endangered or threatened species under the Act, but that listing was precluded by higher priority listing actions.

Adults of the monarch butterfly are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. Monarch butterflies in eastern and western North America represent the ancestral origin for the species worldwide. They exhibit long-distance migration and overwinter as adults at forested locations in Mexico and California. These overwintering sites provide protection from the elements and moderate temperatures, as well as nectar and clean water sources located nearby. Adult monarch butterflies feed on nectar from a wide variety of flowers. Reproduction is dependent on the presence of milkweed, the sole food source for larvae. Monarch butterflies are found in 90 countries, islands, or island groups. Monarch butterflies have become naturalized at most of these locations outside of North America since 1840. The populations outside of eastern and western North America (including southern Florida) do not exhibit long-distance migratory behavior.

The primary threats to the monarch's biological status include loss and degradation of habitat from conversion of grasslands to agriculture, widespread use of herbicides, logging/thinning at overwintering sites in Mexico, senescence and incompatible management of overwintering sites in California, urban development, drought, exposure to insecticides, and effects of climate change. Conservation efforts are addressing some of the threats from loss of milkweed and nectar resources across eastern and western North America and

management at overwintering sites in California; however, these efforts and the existing regulatory mechanisms are not sufficient to protect the species from all of the threats.

The North American migratory populations are the largest relative to the other rangewide populations, accounting for more than 90 percent of the worldwide number of monarch butterflies. Based on the past annual censuses, the eastern and western North American migratory populations have been generally declining over the last 20 years. The western North American population has a much higher risk of extinction due to current threats than the eastern North American population. At the current and projected population numbers, both the eastern and western populations become more vulnerable to catastrophic events (for example, extreme storms at the overwintering habitat). Also, under different climate-change scenarios, the number of days and the area in which monarch butterflies will be exposed to unsuitably high temperatures within their migration and breeding habitats will increase markedly. We know little about population sizes or trends of most of the populations outside of the eastern and western North American populations (except for Australia, which has an estimate of just over 1 million monarch butterflies). However, the potential loss of the North American migratory populations from these identified threats would substantially reduce the species' resiliency, representation, and redundancy. Because the magnitude of threats is moderate to low and those threats are imminent, we assigned an LPN of 8 to the monarch butterfly. This LPN also reflects that we are evaluating the monarch butterfly at the species level.

Listing Priority Changes in Candidates

We reviewed the LPNs for all candidate species and are changing the LPN for the longfin smelt.

Longfin Smelt

Longfin smelt, Bay-Delta DPS—The following summary is based on our information contained in our files and the April 2, 2012, 12-month finding published in the **Federal Register** (77 FR 19756). In our 12-month finding, we determined that the longfin smelt San Francisco Bay-Delta distinct vertebrate population segment (Bay-Delta DPS) warranted listing as an endangered or threatened species under the Act, but that listing was precluded by higher priority listing actions. Longfin smelt measure 9 to 11 centimeters (3.5 to 4.3 inches) in length. Longfin smelt are considered pelagic and anadromous, although anadromy in longfin smelt is not fully understood and certain populations in other parts of the species' range are not anadromous and complete their entire life cycle in freshwater lakes and streams. Longfin smelt usually live for 2 years, spawn, and then die, although some individuals may spawn as 1- or 3-year-old fish before dying. In the San Francisco Bay-Delta, longfin smelt are believed to spawn primarily in freshwater in the lower reaches of the Sacramento River and San Joaquin River, in South Bay tributaries such as Alviso Creek and Coyote Creek, and in North Bay tributaries such as the Napa River and Petaluma River.

Longfin smelt numbers in the San Francisco Bay-Delta have declined significantly since the 1980s. Abundance indices derived from the Fall Midwater Trawl, Bay Study Midwater Trawl, and Bay Study Otter Trawl all show marked declines in Bay-Delta longfin smelt populations from 2002 to 2020. Longfin smelt abundance over the last decade is the lowest recorded in the 40-year history of the Fall Midwater Trawl and Bay Study monitoring surveys of the California Department of Fish and Wildlife (formerly the California Department of Fish and Game).

The primary threats to the Bay-Delta DPS of longfin smelt are reduced freshwater flows, competition from introduced species, climate change, and potential contaminants. Freshwater flows, especially winter-spring flows, are significantly correlated with longfin smelt abundance (*i.e.,* longfin smelt abundance is lower when winter-spring flows are lower). Reductions in food availability and disruptions of the Bay-Delta food web caused by establishment of the nonnative overbite clam (*Corbula amurensis*) and ammonium released into the system have also likely attributed to declines in the species' abundance within the San Francisco Bay-Delta. Even with recent upgrades to the Sacramento Regional Wastewater Treatment Plant that could reduce ammonium release (the Plant is the largest discharger of the contaminant ammonium in the Delta), the primary threats remain high in magnitude, as they pose a significant risk to the Bay-Delta DPS throughout its range. Delta outflow is the predominant driver of the Bay-Delta DPS's abundance, and the recent drought and the consecutive dry years of 2020 and 2021 have reduced freshwater flow into the estuary, which is identified as a primary threat. The establishment and proliferation of the nonnative overbite clam is also an imminent threat to the food web and the species' food source. As the species is at the southernmost portion of its range and may already be experiencing water temperatures beyond its physiological threshold, even modest increases in temperature resulting from climate change is likely an imminent threat.

In our 2020 CNOR (85 FR 73164), the longfin smelt was assigned an LPN of 6. In 2019 we revised the LPN from 3 to 6 in part because the imminence of threats was partially ameliorated by high winter-spring flows in 2017 and 2019 (84 FR 54735). Since that time, however, it appears that the observed population rebound from higher-than-average flows was both not substantial, as well as temporary, and the population is again near record lows. Recent water conditions are extremely poor as California is experiencing a significant drought, resulting in negative impacts to freshwater flows in the Estuary. It is generally accepted that freshwater flows in the Estuary are a driver of population resilience, therefore, the high magnitude threats discussed above are ongoing and likely to continue into the future, and expected to worsen with climate change. We therefore consider threats to be imminent. The magnitude of threats is high for a number of reasons. These threats include insufficient freshwater flow, the invasive species overbite clam, and climate change. After reevaluating the imminence and magnitude of extant threats to the San Francisco Bay-Delta DPS of the longfin smelt, we have determined that a change to an LPN of 3 is warranted.

Candidates in Review

The roundtail chub, magnificent ramshorn, gopher tortoise, and longfin smelt are candidates for which we have initiated the analysis regarding the threats to the species and status of the species, but the proposed listing rule or not-warranted finding for these species was not yet completed as of September 30, 2021. We have funded these actions and intend to complete our classification decision in FY 2022 according to our National Listing Workplan. A proposed listing rule for the bracted twistflower (*Streptanthus bracteatus*) was published on November 10, 2021 (86 FR 62668) and a 12-month not-warranted finding for the Sonoran Desert (*Gopherus morafkai*) tortoise was published on February 8, 2022 (87 FR 7077), subsequent to the end of FY 2021; we do not discuss these species in this document; please refer to the proposed listing rule for information on the status of and threats to the bracted twistflower and the 12-month finding

for information on the status of and threats to the Sonoran Desert tortoise.

Petitions To Reclassify Species Already Listed

We previously made warranted-but-precluded findings on petitions seeking to reclassify threatened species to endangered status for four species. The taxa involved in the reclassification petitions are two populations of the grizzly bear (*Ursus arctos horribilis*), delta smelt (*Hypomesus transpacificus*), northern spotted owl (*Strix occidentalis caurina*), and Pariette cactus (*Sclerocactus brevispinus*). Because these species are already listed under the Act, they are not candidates for listing and are not included in Table 5.

This document and associated species assessment forms constitute the findings for the resubmitted petitions to reclassify the North Cascades grizzly bear population, delta smelt, northern spotted owl, and Pariette cactus. Our updated assessments for these species are provided below. We find that reclassification to endangered status for the North Cascades grizzly bear population, delta smelt, and northern spotted owl are currently warranted but precluded by work identified above (see Findings for Petitioned Candidate Species, above). One of the primary reasons that the work identified above is considered to have higher priority is that these species are currently listed as threatened, and therefore already receive certain protections under the Act. For the grizzly bear, delta smelt, and northern spotted owl, those protections are set forth in our regulations at 50 CFR 17.31 and, by reference, 50 CFR 17.21. It is therefore unlawful for any person, among other prohibited acts, to take (*i.e.,* to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in such activity) a grizzly bear, delta smelt, or northern spotted owl, subject to applicable exceptions.

Other protections that currently apply to these threatened species include those under section 7(a)(2) of the Act, whereby Federal agencies must insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species.

This document and associated species assessment form also constitute the finding for the resubmitted petition to reclassify the Cabinet-Yaak grizzly bear population. This document also constitutes the finding for the resubmitted petition to reclassify the Pariette cactus. For a thorough review of the Cabinet-Yaak grizzly bear population's biology and life history, please see the species' USFWS 5-Year Status Review (*https://ecos.fws.gov/docs/tess/species_nonpublish/942.pdf*). For a thorough review of the Pariette cactus' biology and life history, please see the species' USFWS 5-Year Status Review (*https://ecos.fws.gov/docs/tess/species_nonpublish/3017.pdf*). We find that reclassification from threatened status to endangered status for Cabinet-Yaak grizzly bear population and Pariette cactus is not warranted at this time.

Two Populations of Grizzly Bear

Grizzly bear (*Ursus arctos horribilis*), North Cascades ecosystem population—Since 1990, we have received and reviewed five petitions requesting a change in status for the North Cascades grizzly bear population (55 FR 32103, August 7, 1990; 56 FR 33892, July 24, 1991; 57 FR 14372, April 20, 1992; 58 FR 43856, August 18, 1993; 63 FR 30453, June 4, 1998). In response to these petitions, we determined that grizzly bears in the North Cascades ecosystem warrant a change to endangered status. We have continued to find that these petitions are warranted but precluded through our annual CNOR process. However, based on a limited number of grizzly bear observations in this ecosystem in the past few decades, the North Cascades ecosystem may no longer contain a population. In addition, this ecosystem is isolated from other grizzly bear populations in British Columbia and the United States, meaning that it is unlikely grizzly bears will reoccupy the ecosystem on their own. We are currently deliberating over whether to designate grizzly bears in this ecosystem as an experimental population to facilitate their reintroduction.

Until we complete those deliberations, we continue to find that reclassifying grizzly bears in this ecosystem as endangered is warranted but precluded, and we continue to assign an LPN of 3 for the uplisting of the North Cascades population based on high-magnitude threats, including human-caused mortality due to incomplete habitat-protection measures (motorized-access management), the limited number of bears, and genetic and demographic isolation from other populations. The threats are high in magnitude because the limiting factors for grizzly bears in this recovery zone are human-caused mortality and the limited number of individuals remaining. These threats are ongoing and imminent. However, higher-priority listing actions, including court-approved settlements, court-ordered and statutory deadlines for petition findings and listing determinations, emergency listing determinations, and responses to litigation, continue to preclude reclassifying grizzly bears in this ecosystem. Furthermore, proposed rules to reclassify threatened species to endangered are a lower priority than listing currently unprotected species, as species currently listed as threatened are already afforded protection under the Act and its implementing regulations.

Grizzly bear (*Ursus arctos horribilis*), Cabinet-Yaak ecosystem (CYE) population—Since 1992, we have received and reviewed six petitions requesting a change in status for the Cabinet-Yaak grizzly bear population (57 FR 14372, April 20, 1992; 58 FR 8250, February 12, 1993; 58 FR 43856, August 18, 1993; 63 FR 30453, June 4, 1998; 64 FR 26725, May 17, 1999; 81 FR 1368, January 12, 2016). In response to these petitions, in 1993, we determined that grizzly bears in the CYE warranted a change to endangered status (58 FR 8250; February 12, 1993). However, in the 2014 CNOR (79 FR 72450; December 5, 2014), we determined that threatened status was appropriate and that uplisting to endangered status was no longer warranted. In 2017, in *Alliance for the Wild Rockies* v. *Ryan Zinke,* 265 F. Supp. 3d 1161 (D. Mont. 2017), the District Court of Montana remanded the determination back to the Service for further consideration. Therefore, the CYE reverted back to the status of ''warranted but precluded'' for uplisting to endangered; this CNOR announces the result of our reevaluation of the CYE's status.

Since 2017, the Service completed an SSA of the grizzly bear in the lower 48 States, including the CYE, which provides a comprehensive biological status review. Scientific experts contributed to our analysis, and the draft SSA was independently peer reviewed and reviewed by partners, including those from State wildlife agencies, Federal agencies, and Tribal wildlife agencies. Although the CYE is still slowly recovering from being close to historical extirpation, it has experienced over a decade of positive population trends and high female survival. It has also significantly benefited from an augmentation program. Although levels of connectivity are still low, in recent years movement of male bears has been observed between the Yaak and Cabinet portions of the CYE, and males have immigrated into the Yaak portion of the CYE from British Columbia and subsequently bred. Therefore, we find that reclassifying grizzly bears in this ecosystem as endangered is no longer

warranted. For an in depth review of the species' biology and an analysis of its' current and future conditions, refer to the SSA (Service 2021, entire).

However, the CYE grizzly bear population continues to face several threats, including human-caused mortality and motorized access, and continues to have low numbers of bears. In addition, our analysis of future conditions in the SSA showed that within 30 to 45 years in the future, the resiliency of the CYE could range from very low to high, depending on levels of future conservation efforts. Given these future projections, the grizzly bear in the CYE could experience increased risk of extinction under one out of the five future scenarios. Although all scenarios represent plausible future outcomes for the grizzly bear in the CYE, there is enough future uncertainty associated with conservation efforts such that we determined that the grizzly bear in the CYE remains likely to become in danger of extinction within the foreseeable future throughout all of its range. Therefore, grizzly bears in the Cabinet Yaak will retain their current status as threatened.

Delta Smelt

Delta smelt (*Hypomesus transpacificus*)—The following summary is based on information contained in our files and the April 7, 2010, 12-month finding published in the **Federal Register** (75 FR 17667); see that 12-month finding for additional information on why reclassification to endangered is warranted but precluded. In our 12-month finding, we determined that a change in status of the delta smelt from threatened to endangered was warranted, although precluded by other high-priority listings. The primary rationale for reclassifying delta smelt from threatened to endangered was the significant declines in species abundance that have occurred since 2001, and the continuing and unabated downward trend in all delta smelt cohorts after 2011 supports that finding. Results from 2015–2020 from all four of the surveys analyzed in this review have been the lowest ever recorded for the delta smelt, frequently returning zero or incalculable abundance index values. Delta smelt abundance, as indicated by the Fall Midwater Trawl (FMWT) survey, was exceptionally low between 2004 and 2010, increased during the wet year of 2011, and decreased again to very low levels at present. The last three FMWT surveys (2018–2020) have returned abundance indices of 0. The latest index of adult abundance, the 2021 Spring Kodiak Trawl (SKT) survey, resulted in an abundance index of 0. Abundance estimates for this year's adult spawning stock based on the SKT and the Enhanced Delta Smelt Monitoring surveys were the lowest estimates on record with 0 and 267 fish, respectively.

The primary threats to the delta smelt are direct entrainment by State and Federal water-export facilities, reduction of suitable habitat through summer and fall increases in salinity and water clarity that result from decreases in freshwater flow into the estuary, and effects from introduced species. Ammonia in the form of ammonium may also be a significant threat to the survival of the delta smelt. Additional potential threats are predation by striped bass, largemouth bass, and inland silversides; contaminants; climate change; and small population size. We have identified a number of existing regulatory mechanisms that provide protective measures that affect the stressors acting on the delta smelt. Despite these existing regulatory mechanisms and other conservations efforts, the stressors continue to act on the species such that it is warranted for uplisting under the Act.

As a result of our analysis of the best scientific and commercial data available, we have retained the recommendation of uplisting the delta smelt to an endangered species. We have assigned an LPN of 2, based on the high magnitude and high imminence of threats faced by the species. The magnitude of the threats is high because the threats occur rangewide and result in mortality or significantly reduce the reproductive capacity of the species. Threats are imminent because they are ongoing and, in some cases (*e.g.,* nonnative species), are considered irreversible and worsening. Thus, we are maintaining an LPN of 2 for this species.

We note that an LPN of 2 does not connote that uplisting the species to endangered is a high priority for the Service. Because the delta smelt's current classification as threatened and the blanket section 4(d) rule that has prescribed protections for the species since it was listed already provide the species the full protections afforded by the Act, uplisting the species to endangered status will not substantively increase protections for the delta smelt, but would more accurately classify the species given its current status.

Pariette Cactus

Pariette cactus (*Sclerocactus brevispinus*) is restricted to clay badlands of the Uinta geologic formation in the Uinta Basin of northeastern Utah. The species is known from several subpopulations that comprise a single metapopulation with an overall range of approximately 20 miles by 14 miles in extent. The species' entire range is within a developed and expanding oil and gas field. The location of the species' habitat exposes it to destruction from road, pipeline, and well-site construction in connection with oil and gas development. The entire range is leased as rangeland for grazing of domestic livestock, and also heavily used by feral horses. Trampling from domestic, wild, and feral animals exposes the species to damage and death from trampling. The species may be illegally collected as a specimen plant for horticultural use. Recreational use of off-road vehicles poses an additional threat through crushing of individuals and habitat degradation. The species is currently federally listed as threatened (44 FR 58868, October 11, 1979; 74 FR 47112, September 15, 2009). In 2007, the Service determined that Pariette cactus was ''warranted but precluded'' for uplisting to endangered status, based on the current and future impacts to the species from energy development (72 FR 53211; September 18, 2007).

On August 11, 2020, the Service completed a 5-year status review for Pariette cactus (Service 2020), which is available at *https://ecos.fws.gov/docs/five_year_review/doc6501.pdf.* The 5-year review evaluated the best available information regarding the biology, status, and threats affecting the species, and found that since 2007, significant measures have been taken to reduce the impact of energy development on the species. These efforts have included the identification of core areas for protection with disturbance limits, the adoption of standard conservation measures by the primary land mangers (the Bureau of Land Management and Northern Ute Tribe) and operators, and the development of an energy-specific species management plan by the Northern Ute Tribe. For our full analysis of the status of Pariette cactus, see our 5-year status review (Service 2020).

Based on this new information and updated analysis, the 5-year review found that Pariette cactus is not in danger of extinction but is likely to become so in the foreseeable future, and therefore recommended that the species' status should remain as threatened. Therefore, we find that Pariette cactus is no longer warranted for uplisting to endangered status. The species remains listed as threatened.

Northern Spotted Owl

On June 26, 1990, we published in the **Federal Register** (55 FR 26114) a final rule listing the northern spotted owl (*Strix occidentalis caurina*) as a threatened species. On August 21, 2012, we received a petition dated August 15, 2012, from the Environmental Protection Information Center requesting that the northern spotted owl be listed as an endangered species pursuant to the Act. On April 10, 2015, we published a 90-day finding (80 FR 19259), in which we announced that the petition presented substantial information indicating that reclassification may be warranted for the northern spotted owl and that our status review would also constitute our 5-year status review for the species. On December 15, 2020, we published a 12-month finding in the **Federal Register** (85 FR 81144) in which we stated that reclassification of the northern spotted owl from threatened to endangered was warranted but precluded by higher priority actions.

The northern spotted owl is the largest of three subspecies of spotted owls, and inhabits structurally complex forests from southwestern British Columbia through Washington, Oregon, and into northern California. The historical range of the northern spotted owl included most mature forests or stands throughout the Pacific Northwest, from southwestern British Columbia to as far south as Marin County, California. The current range of the northern spotted owl is smaller than the historical range, as the northern spotted owl is extirpated or very uncommon in certain areas such as southwestern Washington and British Columbia.

Northern spotted owls rely on older forested habitats because such forests contain the structures and characteristics required for nesting, roosting, and foraging. The northern spotted owl is relatively long-lived, has a long reproductive life span (6 to 9 years; Loschl 2008, p. 107), invests significantly in parental care, and exhibits high adult survivorship relative to other North American owls (Forsman et al. 1984, entire; Gutiérrez et al. 1995, p. 5). Northern spotted owl diets vary across owl territories, years, seasons, geographical regions, and forest type (Forsman et al. 2001, pp. 146–148; 2004, pp. 217–220). Home-range sizes of the northern spotted owl vary geographically, generally increasing from south to north, which is likely a response to differences in habitat quality including structural complexity of forest conditions and availability of prey (55 FR 26114; June 26, 1990). Within the home range, there is typically a smaller area of concentrated activity (approximately 20 percent of the home range), often referred to as the core area (Bingham and Noon 1997, pp. 133–135). Successful juvenile dispersal may depend on locating unoccupied suitable habitat in close proximity to other occupied sites (LaHaye et al. 2001, pp. 697–698). Habitat requirements for nesting and roosting are nearly identical. However, nesting habitat is most often associated with a high incidence of large trees with various deformities or large snags suitable for nest placement. Foraging habitat is the most variable of all habitats used by territorial northern spotted owls, and is closely tied to the prey base. Foraging habitat generally has attributes similar to those of nesting/roosting habitat, but foraging habitat may not always support successful nesting pairs (USDI 1992, pp. 22–25). Dispersal habitat is essential to maintaining stable populations by providing connectivity for owls filling territorial vacancies when resident northern spotted owls die or leave their territories, and by providing adequate gene flow across the range of the subspecies.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the northern spotted owl, and we evaluated all relevant factors under the five listing factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors affecting the northern spotted owl's biological status include lag effects of past habitat loss, continued timber harvest, wildfire, and incursion of the nonnative barred owl, which is currently the stressor with the largest negative impact on northern spotted owls. On non-Federal lands, State regulatory mechanisms have not prevented the continued decline of nesting/roosting and foraging habitat; the amount of northern spotted owl habitat on these lands has decreased considerably over the past two decades, including in geographic areas where Federal lands are lacking. On Federal lands, the Northwest Forest Plan has reduced habitat loss and allowed for the development of new northern spotted owl habitat, and the 2016 revised Resource Management Plans for the Bureau of Land Management's lands in western Oregon are expected to do the same; however, the combined effects of climate change, high-severity wildfire, and past management practices are changing forest ecosystem processes and dynamics, and the expansion of barred owl populations is altering the capacity of intact habitat to support northern spotted owls.

Therefore, we find that reclassification of the northern spotted owl as an endangered species under the Act is warranted and assign the species an LPN of 3. A detailed discussion of the basis for this finding can be found in our northern spotted owl SSA, as well as in our 12-month finding published on December 15, 2020 (85 FR 81144), in which we found that reclassification of the northern spotted owl from threatened to endangered was warranted but precluded by higher priority actions.

Because the northern spotted owl's current classification as threatened and the blanket section 4(d) rule that has prescribed protections for the species since it was listed already provide the species the full protections afforded by the Act, uplisting the species to endangered status will not substantively increase protections for the northern spotted owl, but would more accurately classify the species given its current status.

Current Notice of Review

We gather data on plants and animals, both native and foreign to the United States, that appear to merit consideration for addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists). This document identifies those species that we currently regard as candidates for addition to the Lists. These candidates include species and subspecies of fish, wildlife, or plants, and DPSs of vertebrate animals. This compilation relies on information from status surveys conducted for candidate assessment and on information from Tribes, State Natural Heritage Programs, other State and Federal agencies, foreign countries, knowledgeable scientists, public and private natural resource interests, and comments received in response to previous CNORs.

Tables 5 and 6, below, list animals arranged alphabetically by common names under the major group headings, and list plants alphabetically by names of genera, species, and relevant subspecies and varieties. Animals are grouped by class or order. Useful synonyms and subgeneric scientific names appear in parentheses with the synonyms preceded by an ''equals'' sign. We sort plants by scientific name due to the inconsistencies in common names, the inclusion of vernacular and composite subspecific names, and the fact that many plants still lack a standardized common name.

Table 5 lists all candidate species, plus species currently proposed for listing under the Act (as of September 30, 2021). We emphasize that in this document that we are not proposing to list any of the candidate species; rather, we will develop and publish proposed listing rules for these species in the future. We encourage Tribes, State agencies, other Federal agencies, foreign countries and other parties to consider these species in environmental planning.

In Table 5, the ''category'' column on the left side of the table identifies the status of each species according to the following codes (not all of these codes may have been used in this CNOR):

PE—Species proposed for listing as endangered. This category, as well as PT and PSAT (below), does not include species for which we have withdrawn or finalized the proposed rule.

PT—Species proposed for listing as threatened.

PSAE—Species proposed for listing as endangered due to similarity of appearance.

PSAT—Species proposed for listing as threatened due to similarity of appearance.

C—Candidates: Species for which we have on file sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened. Issuance of proposed rules for these species is precluded at present by other higher priority listing actions. This category includes species for which we made a 12-month warranted-but-precluded finding on a petition to list. Our analysis for this document included making new findings on all petitions for which we previously made ''warranted-but-precluded'' findings. We identify the species for which we made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C*'' in the category column (see Findings for Petitioned Candidate Species, above, for additional information).

The ''Priority'' column indicates the LPN for each candidate species, which we use to determine the most appropriate use of our available resources. The lowest numbers have the highest priority. We assign LPNs based on the immediacy and magnitude of threats, as well as on taxonomic status. We published a complete description of our listing priority system in the **Federal Register** (48 FR 43098; September 21, 1983).

Following the scientific name (third column) and the family designation (fourth column) is the common name (fifth column). The sixth column provides the known historical range for the species or vertebrate population (for vertebrate populations, this is the historical range for the entire species or subspecies and not just the historical range for the distinct population segment), indicated by postal code abbreviations for States and U.S. territories or by country for foreign species. Many species no longer occur in all of the areas listed.

Species in Table 6 of this document are those species that we included either as proposed species or as candidates in the previous CNORs (domestic published November 16, 2020 (85 FR 73164); foreign published August 9, 2021 (86 FR 43470)) that are no longer proposed species or candidates for listing (as of September 30, 2021). In FY 2021, we listed nine species, and we removed one species from the candidate list by withdrawing a proposed rule. The first column indicates the present status of each species, using the following codes (not all of these codes may have been used in this CNOR):

E—Species we listed as endangered.

T—Species we listed as threatened.

SAT—Species we listed as threatened due to similarity of appearance.

Rc—Species we removed from the candidate list, because currently available information does not support a proposed listing.

Rp—Species we removed from the candidate list, because we have withdrawn the proposed listing.

The second column indicates why the species is no longer a candidate species or proposed for listing, using the following codes (not all of these codes may have been used in this CNOR):

A—Species that are more abundant or widespread than previously believed and species that are not subject to the degree of threats sufficient that the species is a candidate for listing (for reasons other than that conservation efforts have removed or reduced the threats to the species).

I—Species for which the best available information on biological vulnerability and threats is insufficient to support a conclusion that the species is an endangered species or a threatened species.

L—Species we added to the Lists of Endangered and Threatened Wildlife and Plants.

M—Species we mistakenly included as candidates or proposed species in the last notice of review.

N—Species that are not listable entities based on the Act's definition of ''species'' and current taxonomic understanding.

U—Species that are not subject to the degree of threats sufficient to warrant issuance of a proposed listing and therefore are not candidates for listing, due, in part or totally, to conservation efforts that remove or reduce the threats to the species.

X—Species we believe to be extinct.

The columns describing scientific name, family, common name, and historical range include information as previously described for Table 5.

Request for Information

We request additional status information that may be available for any of the candidate species identified in this CNOR. We will consider this information to monitor changes in the status or LPN of candidate species and to manage candidates as we prepare listing documents and future revisions to the CNOR. We also request information on additional species to consider including as candidates as we prepare future updates of this CNOR.

We request you submit any further information on the species named in this document as soon as possible or whenever it becomes available. We are particularly interested in any information:

(1) Indicating that we should add a species to the list of candidate species;

(2) Indicating that we should remove a species from candidate status;

(3) Recommending areas that we should designate as critical habitat, or indicating that designation of critical habitat would not be prudent;

(4) Documenting threats to any of the included species;

(5) Describing the immediacy or magnitude of threats facing candidate species;

(6) Pointing out taxonomic or nomenclature changes for any of the species;

(7) Suggesting appropriate common names; and

(8) Noting any mistakes, such as errors in the indicated historical ranges.

We will consider all information provided in response to this CNOR in deciding whether to propose species for listing and when to undertake necessary listing actions (including whether emergency listing under section 4(b)(7) of the Act is appropriate).

Submit information, materials, or comments regarding the species to the person identified as having the lead responsibility for the species in table 4 below.

TABLE 4—CONTACTS FOR CANDIDATE SPECIES AND SPECIES PROPOSED FOR LISTING

Species	Contact name	Address and telephone
Dolly varden trout, Mt. Rainier white-tailed ptarmigan, and northern spotted owl.	Robyn Thorson	Regional Director, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, OR 97232–4181; telephone: 503–231–6158.
Arizona eryngo, false spike, Guadalupe fatmucket, Guadalupe orb, lesser prairie-chicken (northern and southern DPSs), peppered chub, South Llano Springs moss, Texas fatmucket, Texas fawnsfoot, Texas pimpleback, Wright's marsh thistle, roundtail chub, Rio Grande cutthroat trout, bracted twistflower, Peñasco least chipmunk, and Sonoran desert tortoise.	Amy Lueders	Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue SW, Room 4012, Albuquerque, NM 87102; telephone: 505–248–6920.
Big Creek crayfish, round hickorynut, St. Francis River crayfish, and monarch butterfly.	Charlie Wooley	Regional Director, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; telephone: 612–713–5334.
Atlantic pigtoe*, black-capped petrel, Canoe Creek clubshell, frecklebelly madtom (Upper Coosa River DPS), longsolid, marron bacora, Panama City crayfish*, pink pigtoe, Puerto Rico harlequin butterfly, sickle darter, Suwannee alligator snapping turtle, gopher tortoise, and magnificent ramshorn.	Leo Miranda-Castro	Regional Director, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; telephone: 404–679–4156.
bog buck moth	Wendi Weber	Regional Director, U.S. Fish and Wildlife Service, 300 Westgate Center Dr., Hadley, MA 01035; telephone: 413–253–8200.
Chapin Mesa milkvetch, grizzly bear, Pariette cactus, and whitebark pine.	Matt Hogan	Acting Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225–0486; telephone: 303–236–7400.
Delta smelt, Hermes copper butterfly*, Tiehm's buckwheat, and longfin smelt.	Paul Souza	Regional Director, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2606, Sacramento, CA 95825; telephone: 916–414–6464.
Amur sturgeon, Dolphin-Union caribou, emperor penguin, Egyptian tortoise, Sira curassow, southern helmeted curassow, Lord Howe Island pied currawong, Chatham oystercatcher, orange-fronted parakeet, Bogota rail, Takahē, black-backed tanager, Brasília tapaculo, yellow-browed toucanet, Gizo white-eye, helmeted woodpecker, Okinawa woodpecker, Colorado Delta clam, fluminense swallowtail butterfly, Hahnel's Amazonian swallowtail butterfly, Harris' mimic swallowtail butterfly, Jamaican kite swallowtail butterfly, and Kaiser-i-Hind swallowtail butterfly.	Gary Frazer	Assistant Director, Ecological Services, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041; telephone: 202–208–4646.

* Denotes species for which a final listing determination has published subsequent to the end of FY 2021 (after September 30, 2021).

We will provide information we receive to the office having lead responsibility for each candidate species mentioned in the submission, and information and comments we receive will become part of the administrative record for the species, which we maintain at the appropriate office.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your submission, be advised that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can ask us in your submission to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Director, U.S. Fish and Wildlife Service.

TABLE 5—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
MAMMALS					
PE		*Neotamias minimus atristriatus*	Sciuridae	Chipmunk, Peñasco least	U.S.A. (NM).
PT		*Rangifer tarandus groenlandicus x pearyi.*	Cervidae	Caribou, Dolphin-Union	Canada.

TABLE 5—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
BIRDS					
PT		*Lagopus leucura rainierensis*	Phasianidae	Ptarmigan, Mt. Rainier white-tailed.	U.S.A. (WA), Canada (BC).
PT		*Tympanuchus pallidicinctus*	Phasianidae	Prairie-chicken, lesser (northern DPS).	U.S.A. (CO, KS, NM, OK, TX).
PE		*Tympanuchus pallidicinctus*	Phasianidae	Prairie-chicken, lesser (southern DPS).	U.S.A. (CO, KS, NM, OK, TX).
PT		*Pterodroma hasitata*	Procellariidae	Petrel, black-capped	Dominican Republic, Haiti, U.S.A. (GA, NC, SC).
PT		*Aptenodytes forsteri*	Spheniscidae	Penguin, emperor	Antarctica.
C*	2	*Pauxi koepckeae*	Cracidae	Curassow, Sira	Peru.
C*	2	*Pauxi unicornis*	Cracidae	Curassow, southern helmeted	Bolivia.
C*	6	*Strepera graculina crissalis*	Cracticidae	Currawong, Lord Howe Island pied.	Lord Howe Island, New South Wales.
C*	8	*Haematopus chathamensis*	Haematopodidae.	Oystercatcher, Chatham	Chatham Islands, New Zealand.
C*	8	*Cyanoramphus malherbi*	Psittacidae	Parakeet, orange-fronted	New Zealand.
C*	2	*Rallus semiplumbeus*	Rallidae	Rail, Bogota	Colombia.
C*	8	*Porphyrio hochstetteri*	Rallidae	Takahē	New Zealand.
C*	8	*Tangara peruviana*	Thraupidae	Tanager, black-backed	Brazil.
C*	2	*Scytalopus novacapitalis*	Rhinocryptidae	Tapaculo, Brasilia	Brazil.
C*	2	*Aulacorhynchus huallagae*	Ramphastidae	Toucanet, yellow-browed	Peru.
C*	2	*Zosterops luteirostris*	Zosteropidae	White-eye, Gizo	Solomon Islands.
C*	8	*Celeus galeatus*	Picidae	Woodpecker, helmeted	Argentina, Brazil, Paraguay.
C*	2	*Dendrocopos noguchii*	Picidae	Woodpecker, Okinawa	Okinawa Island, Japan.
REPTILES					
PT		*Macrochelys suwanniensis*	Chelydridae	Turtle, Suwannee alligator snapping.	U.S.A. (GA, FL).
PT		*Testudo kleinmanni*	Testudinidae	Tortoise, Egyptian	Egypt, Libya, Israel.
C*	5	*Gopherus morafkai*	Testudinidae	Tortoise, Sonoran desert	U.S.A. (AZ), Mexico.
C*	8	*Gopherus polyphemus*	Testudinidae	Tortoise, gopher (eastern population).	U.S.A. (AL, FL, GA, LA, MS, SC).
FISHES					
PE		*Acipenser schrenckii*	Acipenseridae	Sturgeon, Amur	China, Russia.
PSAT		*Salvelinus malma*	Salmonidae	Trout, Dolly Varden	U.S.A. (AK, WA), Canada, East Asia.
PE		*Macrhybopsis tetranema*	Cyprinidae	Chub, peppered	U.S.A. (CO, KS, NM, OK, TX).
PT		*Noturus munitus*	Ictaluridae	Madtom, frecklebelly (Upper Coosa River DPS).	U.S.A. (AL, GA, LA, MS, TN).
PT		*Percina williamsi*	Percidae	Darter, sickle	U.S.A. (NC, TN, VA).
C*		*Gila robusta*	Cyprinoidea	Chub, roundtail	U.S.A. (AZ, CA, NV, NM).
C*		*Oncorhynchus clarkii virginalis*	Salmonidae	Trout, Rio Grande cutthroat	U.S.A. (CO, NM, TX).
C*	3	*Spirinchus thaleichthys*	Osmeridae	Smelt, longfin (San Francisco Bay-Delta DPS).	U.S.A. (CA).
CLAMS					
PE		*Pleurobema athearni*	Unionidae	Clubshell, Canoe Creek	U.S.A. (AL).
PE		*Fusconaia mitchelli*	Unionidae	Spike, false	U.S.A. (TX).
PE		*Lampsilis bergmanni*	Unionidae	Fatmucket, Guadalupe	U.S.A. (TX).
PE		*Cyclonaias necki*	Unionidae	Orb, Guadalupe	U.S.A. (TX).
PE		*Lampsilis bracteata*	Unionidae	Fatmucket, Texas	U.S.A. (TX).
PT		*Truncilla macrodon*	Unionidae	Fawnsfoot, Texas	U.S.A. (TX).
PE		*Cyclonaias petrina*	Unionidae	Pimpleback, Texas	U.S.A. (TX).
PT		*Obovaria subrotunda*	Unionidae	Hickorynut, round	U.S.A. (AL, GA, IL, IN, KY, MI, MS, NY, OH, PA, TN, WV), Canada.
PT		*Fusconaia subrotunda*	Unionidae	Longsolid	U.S.A. (AL, GA, IL, IN, KY, MS, MO, NY, NC, OH, PA, SC, TN, VA, WV).
PT		*Pleurobema rubrum*	Unionidae	Pigtoe, pyramid	U.S.A. (AL, KY, TN).
C*	8	*Mulinia modesta*	Mactridae	Clam, Colorado Delta	Mexico.

TABLE 5—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Category	Priority				
SNAILS					
C*	2	*Planorbella magnifica*	Planorbidae	Ramshorn, magnificent	U.S.A. (NC).
INSECTS					
PT		*Atlantea tulita*	Nymphalidae	Puerto Rico harlequin butterfly	U.S.A. (PR).
C	8	*Danaus plexippus*	Nymphalidae	Butterfly, monarch	U.S.A. + 90 Countries.
C*	2	*Parides ascaniusAscanius*	Papilionidae	Butterfly, Fluminense swallowtail.	Brazil.
C*	2	*Parides hahneli*	Papilionidae	Butterfly, Hahnel's Amazonian swallowtail.	Brazil.
C*	3	*Mimoides* (= *Eurytides*) *lysithous harrisianus.*	Papilionidae	Butterfly, Harris' mimic swallowtail.	Brazil.
C*	2	(*Protographium* (= *Eurytides*) *marcellinus*).	Papilionidae	Butterfly, Jamaican kite swallowtail.	Jamaica.
C*	8	*Teinopalpus imperialis*	Papilionidae	Butterfly, Kaiser-i-Hind swallowtail.	Bhutan, China, India, Loas, Myanmar, Nepal, Thailand, Vietnam.
FLOWERING PLANTS					
PE		*Eryngium sparganophyllum*	Apiaceae	Eryngo, Arizona	U.S.A. (AZ).
PT		*Cirsium wrightii*	Asteraceae	Thistle, Wright's marsh	U.S.A. (AZ, NM), Mexico.
PE		*Solanum conocarpum*	Solanaceae	Bacora, marron	U.S.A. (PR).
PT		*Astragalus schmolliae*	Fabaceae	Milkvetch, Chapin Mesa	U.S.A. (CO).
C*	8	*Streptanthus bracteatus*	Brassicaceae	Bracted twistflower	U.S.A. (TX).
CONIFERS AND CYCADS					
PT		*Pinus albicaulis*	Pinaceae	Pine, whitebark	U.S.A. (CA, ID, MT, NV, OR, WA, WY), Canada (AB, BC).
LICHENS					
PE		*Donrichardsia macroneuron*	Brachytheciaceae.	Moss, South Llano Springs	U.S.A. (TX).

TABLE 6—ANIMALS AND PLANTS FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Code	Expl.				
MAMMALS					
E	L	*Vulpes vulpes necator*	Canidae	Fox, Sierra Nevada red (Sierra Nevada DPS).	U.S.A. (CA, OR).
T	L	*Martes caurina*	Mustelidae	Marten, Pacific (coastal DPS)	U.S.A. (CA).
Rp	N	*Gulo gulo luscus*	Mustelidae	Wolverine, North American (Contiguous U.S. DPS).	U.S.A. (CA, CO, ID, MT, OR, UT, WA, WY).
BIRDS					
T	L	*Laterallus jamaicensis jamaicensis.*	Rallidae	Rail, eastern black	U.S.A. (AL, AK, CO, CT, DE, FL, GA, IL, IN, IA, KN, KT, LA, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, PA, PR, RI, SC, TN, TX, VT, VA, VI, WV, WI).
AMPHIBIANS					
E	L	*Cryptobranchus alleganiensis alleganiensis.*	Cryptobranchidae.	Hellbender, eastern (Missouri DPS).	U.S.A. (MO).
T	L	*Necturus lewisi*	Proteidae	Waterdog, Neuse River	U.S.A. (NC).

TABLE 6—ANIMALS AND PLANTS FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING—Continued

[**Note:** See end of **SUPPLEMENTARY INFORMATION** for an explanation of symbols used in this table.]

Status		Scientific name	Family	Common name	Historical range
Code	Expl.				
FISHES					
E	L	*Noturus furiosus*	Ictaluridae	Madtom, Carolina	U.S.A. (NC).
E	L	*Acipenser dabryanus*	Acipenseridae	Sturgeon, Yangtze	China.
CLAMS					
T	L	*Fusconaia masoni*	Unionidae	Pigtoe, Atlantic	U.S.A. (GA, NC, VA).
INSECTS					
E	L	*Bombus franklini*	Apidae	Bumble bee, Franklin's	U.S.A. (CA, OR).
T	L	*Lycaena hermes*	Lycaenidae	Butterfly, Hermes copper	U.S.A. (CA).
CRUSTACEANS					
E	L	*Cambarus cracens*	Cambaridae	Crayfish, slenderclaw	U.S.A. (AL).
T	L	*Procambarus econfinae*	Cambaridae	Crayfish, Panama City	U.S.A. (FL).

[FR Doc. 2022–09376 Filed 5–2–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 220427–0107]

RIN 0648–BL22

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Catch Limits for Red Grouper

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) as prepared by the Gulf of Mexico Fishery Management Council (Council). If implemented, this proposed rule would increase commercial and recreational catch levels for red grouper in the Gulf of Mexico (Gulf). The purposes of this proposed rule are to prevent overfishing of red grouper and to achieve optimum yield (OY).

DATES: Written comments must be received by May 18, 2022.

ADDRESSES: You may submit comments on the proposed rule identified by ''NOAA–NMFS–2022–0029'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov* and enter ''NOAA–NMFS–2022–0029'' in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit all written comments to Dan Luers, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter ''N/A'' in the required fields if you wish to remain anonymous.

Electronic copies of the framework action may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/modification-gulf-mexico-red-grouper-catch-limits.* The framework action includes an environmental assessment, a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review.

FOR FURTHER INFORMATION CONTACT: Dan Luers, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *daniel.luers@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Gulf reef fish fishery, which includes red grouper, under the FMP. The Council prepared the FMP and NMFS implements the FMP through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems.

All weights described in this proposed rule are in gutted weight.

Red grouper in the Gulf exclusive economic zone are found primarily in offshore areas of the eastern Gulf with hard bottom, that is, bottom structure with relief that attracts fish. Red grouper is managed as a single stock with commercial and recreational annual catch limits (ACLs) and annual catch targets (ACTs). Since 2009, the stock ACL has been allocated 76 percent to the commercial sector and 24 percent to the recreational sector as set in Amendment 30B to the FMP (74 FR 17603, April 16, 2009). However, on March 9, 2022, NMFS approved Amendment 53 to the FMP, which

modifies the allocation to 59.3 percent for the commercial sector and 40.7 percent for the recreational sector. Amendment 53 also adjusts the red grouper catch level based on the results of a 2019 stock assessment (Southeast Data, Assessment, and Review (SEDAR) 61). NMFS published the proposed rule for Amendment 53 on January 19, 2022 (87 FR 2737), in the **Federal Register** and is developing the final rule.

Commercial red grouper fishing is managed under the Grouper-Tilefish Individual Fishing Quota (IFQ) program, which began January 1, 2010, through Amendment 29 to the FMP (74 FR 44732, August 31, 2009, and 75 FR 9116, March 1, 2010). Under the IFQ program, the commercial red grouper quota is equal to the commercial ACT. The annual allocation of red grouper is distributed on January 1 of each year to those who hold red grouper shares.

Recreational red grouper harvest is managed with catch limits, in-season and post-season accountability measures (AMs), season and area closures, a minimum size limit, and recreational bag and possession limits. The in-season AM for red grouper requires NMFS to close the recreational sector for the remainder of the fishing year when red grouper landings reach or are projected to reach the recreational ACL. If recreational landings of red grouper exceed the recreational ACL in a fishing year, the post-season AM requires NMFS to shorten the length of the following recreational fishing season by the amount necessary to ensure landings do not exceed the recreational ACT. If the red grouper stock is overfished, NMFS must also reduce the ACL and ACT by the amount of the recreational ACL overage in the prior year.

Subsequent to the management measures the Council recommended in Amendment 53, the Council and its advisory groups recommended further revisions to red grouper catch levels based on an interim analysis conducted by the NMFS Southeast Fishery Science Center (SEFSC).

In May 2021, the Council's Scientific and Statistical Committee (SSC) reviewed the results of the interim analysis, which indicated Gulf red grouper harvest levels could be increased. However, this result was considered preliminary because the catch level projections were dependent on the sector allocations being evaluated in Amendment 53. The Council requested an updated interim analysis based on the preferred allocation in Amendment 53 at its June 2021 meeting, which the SEFSC prepared. This interim analysis also applied a new methodology for adjusting recreational harvest weight estimates and used the NMFS Bottom Longline Survey as the index of abundance.

The SSC reviewed the new interim analysis at its August 2021 meeting and agreed with the changes made by the SEFSC. Based on the results of the interim analysis, the SSC recommended an OFL of 5.99 million lb (2.72 million kg) and an ABC of 4.96 million lb (2.25 million kg). The revised ABC is based on a 3-year moving average relative to the OFL. The SSC chose to use the 3-year moving average as opposed to a 5-year moving average because it was slightly more conservative and thought to be more representative of recent population trends, and because of uncertainty regarding the impacts of the 2021 red tide event on the West Florida Shelf. Based on the SSC recommendations, the Council chose to update the catch limits and approved this framework action at its October 2021 meeting. The proposed OFL and ABC are greater than those specified in Amendment 53, which are an OFL of 4.66 million lb (2.11 million kg) and an ABC of 4.26 million lb (1.93 million kg).

Management Measures Contained in This Proposed Rule

This proposed rule would increase catch levels for Gulf red grouper relative to those established in Amendment 53. The catch levels in this proposed rule would be set consistent with the sector allocations established in Amendment 53. Therefore, the catch levels in this proposed rule would not be implemented until the final rule to implement Amendment 53 is published in the **Federal Register** and is effective.

If implemented, this proposed rule would revise the ACLs and ACTs for the Gulf red grouper stock. This proposed rule would increase the total ACL for Gulf red grouper from 4.26 million lb (1.93 million kg) to 4.96 million lb (2.25 million kg).

Using the sector allocations approved in Amendment 53, this proposed rule would increase the commercial ACL and ACT from 2.53 million lb (1.15 million kg) and 2.40 million lb (1.09 million kg) to 2.94 million lb (1.33 million kg) and 2.79 million lb (1.27 million kg), respectively.

For the recreational sector, this proposed rule would increase the recreational ACL and ACT from 1.73 million lb (0.78 million kg) and 1.57 million lb (0.71 million kg) to 2.02 million lb (0.92 million kg) and 1.84 million lb (0.83 million kg), respectively.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the framework action, the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Magnuson-Stevens Act provides the legal basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. The objectives of this proposed rule are to revise the ACLs and ACTs for Gulf red grouper consistent with the best scientific information available, and to continue to achieve OY consistent with the requirements of the Magnuson-Stevens Act.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A description of the factual basis for this determination follows. All monetary estimates in the following analysis are in 2019 dollars.

This proposed rule would increase catch limits and catch targets for Gulf red grouper relative to those established in Amendment 53, consistent with the sector allocations established in Amendment 53. This proposed rule cannot be implemented before a final rule to implement Amendment 53 is published in the **Federal Register** and is effective. Amendment 53 set the OFL, ABC, total ACL, commercial ACL, recreational ACL, commercial ACT (quota) and recreational ACT for Gulf red grouper at the following values: 4.66 million lb (2.11 million kg), 4.26 million lb (1.93 million kg), 4.26 million lb (1.93 million kg), 2.53 million lb (1.15 million kg), 1.73 million lb (0.78 million kg), 2.40 million lb (1.09 million kg), and 1.57 million lb (0.71 million kg), respectively. This proposed rule, if implemented, would increase those values to 5.99 million lb (2.72 million kg), 4.96 million lb (2.25 million kg), 4.96 million lb (2.25 million kg), 2.94 million lb (1.33 million kg), 2.02 million lb (0.92 million kg), 2.79 million lb (1.27 million kg), and 1.84 million lb (0.83 million kg), respectively. Thus, this proposed rule is expected to directly regulate commercial fishing businesses that possess Gulf red grouper shares in

the grouper-tilefish IFQ program and for-hire fishing businesses that target red grouper.

The commercial red grouper quota is allocated annually based on the percentage of red grouper shares in each IFQ account (*e.g.,* if an account possesses 1 percent of the red grouper shares and the commercial quota is 1 million lb (0.45 million kg), then that account would receive 10,000 lb (4,536 kg) of commercial red grouper quota). Although it is common for a single IFQ account with red grouper shares to be held by a single business, some businesses have multiple IFQ accounts with red grouper shares. As of February 19, 2020, 495 IFQ accounts held red grouper shares. These accounts and red grouper shares were owned by 436 businesses. Thus, NMFS assumes this proposed rule would directly regulate 436 commercial fishing businesses.

A valid Federal charter vessel/headboat (for-hire) permit for Gulf reef fish is required to legally harvest red grouper in the Gulf from a for-hire vessel. NMFS does not possess complete ownership data regarding for-hire businesses that hold these permits, and thus potentially harvest red grouper. Therefore, it is not currently feasible to accurately determine affiliations between vessels and the businesses that own them. As a result, for purposes of this analysis, NMFS assumes each for-hire vessel is independently owned by a single business, which is expected to result in an overestimate of the actual number of for-hire fishing businesses directly regulated by this proposed rule.

NMFS also does not have data indicating how many for-hire vessels actually harvest Gulf red grouper in a given year. However, in 2019, there were 1,277 vessels with valid Federal charter vessel/headboat permits for Gulf reef fish. Of these 1,277 vessels, 90 vessels are used primarily for commercial fishing purposes and thus are not considered for-hire fishing businesses in this analysis. Further, Gulf red grouper is only targeted and almost entirely harvested in waters off the west coast of Florida. Of the 1,277 vessels with valid Federal charter vessel/headboat permits for Gulf reef fish, 799 were homeported in Florida. Of these permitted vessels, 60 are primarily used for commercial fishing rather than for-hire fishing purposes and thus are not considered for-hire fishing businesses. In addition, 48 of these permitted vessels are considered headboats. Compared to charter vessels, headboats take a larger group of anglers to harvest a diverse range of species on a trip, and therefore do not typically target a particular species. Therefore, NMFS assumes that no headboats would be directly affected as a result of this proposed rule. However, charter vessels often target red grouper. Of the 799 vessels with valid Federal charter vessel/headboat permits for Gulf reef fish that are homeported in Florida, 691 vessels are charter vessels. A recent study reported that 76 percent of charter vessels with valid Federal charter vessel/headboat permits for Gulf reef fish were active in the Gulf during 2017 (*i.e.,* 24 percent were not fishing). A charter vessel would only be directly affected by this proposed rule if it is fishing. Given this information, our best estimate of the number of charter vessels that are likely to harvest Gulf red grouper in a given year is 525, and thus this proposed rule is estimated to directly affect 525 for-hire fishing businesses.

For RFA purposes, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (50 CFR 200.2). A business primarily involved in the commercial fishing industry is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and its combined annual receipts (revenue) are not in excess of $11 million for all of its affiliated operations worldwide.

NMFS does not collect revenue data specific to commercial fishing businesses that have IFQ accounts; rather, revenue data are collected for commercial fishing vessels in general. It is not possible to assign revenues earned by commercial fishing vessels back to specific IFQ accounts and the businesses that possess them because quota is often transferred across many IFQ accounts before it is used by a vessel for harvesting purposes, and specific units of quota cannot be tracked. However, from 2014 through 2018, the maximum annual gross revenue earned by a single vessel was about $2.39 million, which occurred in 2015. The average gross revenue per vessel was about $143,000 in that year. By 2018, the maximum and average gross revenue per vessel had decreased to about $1.04 million and $96,000, respectively. Based on this information, all commercial fishing businesses directly regulated by this proposed rule are determined to be small entities for the purpose of this analysis.

For other industries, the SBA has established size standards for all major industry sectors in the U.S., including for-hire businesses (NAICS code 487210). A business primarily involved in for-hire fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has annual receipts (revenue) not in excess of $8 million for all its affiliated operations worldwide. The maximum annual gross revenue for a single headboat in the Gulf was about $1.38 million in 2017. On average, annual gross revenue for headboats in the Gulf is about three times greater than annual gross revenue for charter vessels, reflecting the fact that businesses that own charter vessels are typically smaller than businesses that own headboats. Based on this information, all for-hire fishing businesses directly regulated by this proposed rule are determined to be small businesses for the purpose of this analysis.

If implemented, NMFS expects this proposed rule to directly regulate 436 of the 532 businesses with IFQ accounts, or approximately 82 percent of those commercial fishing businesses. Further, NMFS expects this proposed rule to directly regulate 525 of the 1,187 for-hire fishing businesses with valid Federal charter vessel/headboat permits in the Gulf reef fish fishery, or approximately 44 percent of those for-hire fishing businesses. NMFS has determined that, for the purpose of this analysis, all directly regulated commercial and for-hire fishing businesses are small entities. Based on this information, NMFS expects the proposed rule to affect a substantial number of small entities.

Because revenue and cost data are not collected for the commercial fishing businesses that are expected to be directly regulated by this proposed rule, direct estimates of their economic profits are not available. However, economic theory suggests that annual allocation (quota) prices should reflect expected annual economic profits, which allows economic profits to be estimated indirectly. Further, the 436 commercial fishing businesses that own red grouper shares, and therefore receive red grouper quota at the beginning of each calendar year, also own shares and receive quota in the other IFQ share categories, *i.e.,* red snapper, gag, shallow-water grouper, deep-water grouper, and tilefish. These businesses earn economic profits because of their ownership of these shares as well their red grouper shares.

However, economic profits are only realized if the quota allocated to these businesses with shares is actually used for harvesting purposes (*i.e.,* no economic profits will accrue unless the quota results in the production and sale of seafood). Because the average annual

commercial landings of red grouper from 2015–2019 exceeds the proposed red grouper commercial quota, NMFS assumes that all of the red grouper commercial quota will be harvested in the foreseeable future. Similarly, because practically all of the commercial red snapper quota has been used for harvesting in recent years, NMFS assumes that all of the commercial red snapper quota allocated to these businesses will be harvested in the foreseeable future. However, based on 2015–2019 data, NMFS expects that only 84 percent of the deep-water grouper commercial quota, 50 percent of the gag commercial quota, 35 percent of the shallow-water grouper commercial quota, and 78 percent of the tilefish commercial quota allocated to these businesses will be used for harvesting in the foreseeable future. Given these quota utilization rates in combination with average annual allocation prices in 2019 and annual commercial quotas in 2020 by share category, total annual economic profits for commercial fishing businesses with red grouper shares are estimated to be at least $18.61 million. This estimate does not account for any economic profits that may accrue to commercial fishing businesses that own red grouper shares from the harvest of non-IFQ species. Such profits are likely to be small because harvest of IFQ species accounts for around 85 percent of commercial IFQ vessels' average annual gross revenue, and economic profits from the harvest of non-IFQ species tend to be much smaller than those from IFQ species. Given that there are 436 commercial fishing businesses that own red grouper shares, the average annual expected economic profit per commercial fishing business is at least $42,700.

However, most of these economic profits (82 percent) are the result of owning red snapper shares. Only approximately $1.77 million (or 9.5 percent) of the 436 commercial fishing businesses' economic profits are due to the ownership of red grouper shares. NMFS expects this proposed rule only to affect economic profits from the ownership of red grouper shares. Specifically, this rule proposes to increase the commercial red grouper ACT (quota) from 2.40 million lb (1.09 million kg) to 2.79 million lb (1.27 million kg). Given an annual allocation price of $0.59 per lb ($1.30 per kg) in 2019 for red grouper, the proposed increase in the commercial red grouper quota is expected to increase annual economic profits to these commercial fishing businesses by $223,610 or about $513 per business per year. Thus, annual economic profit is expected to increase by about 1.2 percent on average per commercial fishing business.

Based on the most recent information available, average annual profit is $26,514 per charter vessel. The proposed rule would increase the recreational ACL for Gulf red grouper from 1.73 million lb (0.78 million kg) to 2.02 million lb (0.92 million kg). NMFS expects the recreational ACL increase to increase the recreational season length by 12 days by extending the season through the end of year. Without the ACL increase, NMFS projects that the season would end on December 19. NMFS expects the 12-day increase in season length to increase the number of trips targeting red grouper on charter vessels by 665 angler trips. Net Cash Flow per Angler Trip (CFpA) is the best available estimate of profit per angler trip by charter vessels. CFpA on charter vessels is estimated to be $141 per angler trip. Thus, the estimated increase in charter vessel profits from this proposed rule is expected to be $93,723, or $179 per charter vessel, if the recreational sector is managed to its ACL.

The proposed rule would also increase the recreational ACT for Gulf red grouper from 1.57 million lb (0.71 million kg) to 1.84 million lb (0.83 million kg). The ACT is only germane if the recreational sector exceeds its ACL in the future, as that would trigger the post-season AM, causing the recreational sector to be constrained to the recreational ACT rather than the recreational ACL. Average annual landings in the recreational sector from 2016 through 2019 are slightly below the proposed recreational ACL. However, the recreational sector for Gulf red grouper closed on September 15 in 2021 (86 FR 51276, September 15, 2021). Therefore, it is possible that the post-season AM may be triggered in the future, causing the recreational sector, including the for-hire component, to be constrained to the ACT. If the post-season AM is triggered and the recreational sector is managed under the ACT, this proposed rule would increase the recreational season length by 45 days by extending the season through the end of the year. Without the ACT increase, NMFS projects that the season would end on November 16. NMFS expects the 45-day increase in the season length to increase the number of trips targeting red grouper on charter vessels by 2,352 angler trips. Thus, if the post-season AM is triggered, the estimated increase in charter vessel profits from this proposed rule would be $331,637 or $632 per charter vessel.

Based on the information above, although a substantial number of small entities would be affected by this proposed rule, this proposed rule would not have a significant economic impact on those entities. Because this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

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

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, Red grouper, Reef fish.

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

Dated: April 27, 2022.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.39, revise paragraph (a)(1)(iii)(C) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

(C) *Red grouper*—2.79 million lb (1.27 million kg).

* * * * *

■ 3. In § 622.41, revise the last sentence of paragraph (e)(1) and revise paragraph (e)(2)(iv) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(e) * * *

(1) * * * The commercial ACL for red grouper in gutted weight is 2.94 million lb (1.33 million kg).

(2) * * *

(iv) The recreational ACL for red grouper in gutted weight is 2.02 million lb (0.92 million kg). The recreational ACT for red grouper in gutted weight is 1.84 million lb (0.83 million kg).

* * * * *

[FR Doc. 2022–09389 Filed 5–2–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 85
Tuesday, May 3, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Small Claims Patent Court Study; Comment Request

AGENCY: Administrative Conference of the United States (ACUS).

ACTION: Notice.

SUMMARY: The U.S. Patent and Trademark Office (USPTO) is engaging ACUS to conduct an independent study of issues associated with and options for designing a small claims patent court. ACUS invites public comments on these issues as part of its study.

DATES: Comments must be received no later than July 5, 2022.

ADDRESSES: You may submit comments by email at *info@acus.gov* (with ''Small Claims Patent Court Comments'' in the subject line of the message); online by clicking ''Submit a comment'' near the bottom of the project web page found at *https://www.acus.gov/research-projects/us-patent-small-claims-court;* or by U.S. Mail addressed to Small Claims Patent Court Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036. Commenters should not include information, such as personal information or confidential business information, that they do not wish to appear on the ACUS website. For the full ACUS public comment policy, please visit *https://www.acus.gov/policy/public-comment-policy.*

FOR FURTHER INFORMATION CONTACT: Kazia Nowacki, Attorney Advisor, Administrative Conference of the United States, 1120 20th Street NW, Suite 706 South, Washington, DC 20036; Telephone (202) 480–2080; email *knowacki@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.*

A Small Claims Patent Court

Since at least the late 1980s, concerns have been raised that the high cost of patent litigation deters small- and medium-sized enterprises, including those owned by traditionally underrepresented groups, from seeking to enforce their patents. Policymakers, scholars, and organizations have studied whether a small-claims procedure is needed for resolving patent disputes. They have reached different conclusions and proposed different actions.

The Department of Commerce has also considered the possibility of a small claims patent court. Most recently, in December 2012, the USPTO issued a **Federal Register** notice requesting public comment on ''whether the United States should develop a small claims proceeding for patent enforcement'' (77 FR 74830 (Dec. 18, 2012)).

Given ongoing interest in the topic, USPTO has engaged ACUS to conduct an independent survey and analysis of issues associated with and options to consider in designing a small claims patent court. A report resulting from the study will ultimately be submitted to Congress and will address, among other topics, whether there is a need for a small claims patent court, the feasibility and potential structure of such a court, and the relevant legal, policy, and practical considerations in establishing a small claims patent court.

Specific Topics for Public Comment

ACUS welcomes views, information, and data on all aspects of a potential small claims patent court or small claims patent proceeding and its impacts. ACUS is also seeking specific feedback on the following topics:

1. Whether there is need for a small claims patent court;
2. The policy and practical considerations in establishing a small claims patent court;
3. The institutional placement, structure, and internal organization of a potential small claims patent court, including whether it should be established within the Article III federal courts, as or within an Article I court, or as an administrative tribunal;
4. The selection, appointment, management, and oversight of officials who preside over proceedings in a potential small claims patent court;
5. The subject-matter jurisdiction of a potential small claims patent court, whether participation in such proceedings would be mandatory or voluntary, and whether parties can remove cases to another administrative tribunal or federal court;
6. The procedures and rules of practice for a potential small claims patent court, including, as relevant, pleadings, discovery, and alternative dispute resolution;
7. The remedies that a potential small claims patent court would be able to provide;
8. The legal effect of decisions of a potential small claims patent court; and
9. Opportunities for administrative and/or judicial review of small claims patent court decisions.

Dated: April 28, 2022.

Shawne McGibbon,

General Counsel.

[FR Doc. 2022–09489 Filed 5–2–22; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2019–0068]

Notice of Availability of an Environmental Assessment and Finding of No Significant Impact for Release of Lilioceris egena for Biological Control of Air Potato in the Continental United States

AGENCY: Animal and Plant Health Inspection Service, Agriculture (USDA).

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a final environmental assessment (EA) and finding of no significant impact relative to permitting the release of an insect, *Lilioceris egena,* for the biological

control of air potato (*Dioscorea bulbifera*) in the continental United States. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared.

FOR FURTHER INFORMATION CONTACT: Dr. Colin D. Stewart, Assistant Director, Pests, Pathogens, and Biocontrol Permits, Permitting and Compliance Coordination, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1237; (301) 851–2237; *colin.stewart@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) is issuing permits for the release of an insect, *Lilioceris egena,* into the continental United States for use as a biological control agent to reduce the severity of air potato (*Dioscorea bulbifera*) infestations.

Air potato is an herbaceous, twining vine that can grow 65 feet long or more, capable of climbing and out-competing native vegetation. Since its introduction to Florida in 1905, air potato has aggressively spread throughout the State; this species is reportedly naturalized in Georgia, Alabama, Mississippi, Louisiana, Texas, and Hawaii. In 1999, the Florida Department of Agricultural and Consumer Services added air potato to its list of noxious weeds in an attempt to protect the State's native plant species from being displaced or hybridized. Presently, the air potato is well established in Florida and probably throughout the Gulf States where it has the potential to severely disrupt entire ecosystems.

On January 8, 2021, we published in the **Federal Register** (86 FR 1477–1478, Docket No. APHIS–2019–0068) a notice [1] in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the release of *L. egena* into the continental United States for use as a biological control agent to reduce the severity of air potato (*D. bulbifera*) infestations. Comments on the notice were required to be received on or before February 8, 2021. We received 14 comments by that date, and they are addressed in the EA. All of the comments were in favor of the proposed release and did not raise any substantive issues.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *L. egena,* into the continental United States for use as a biological control agent to reduce the severity of air potato (*D. bulbifera*) infestations. The finding, which is based on the EA, reflects our determination that release of *L. egena,* into the continental United States will not have a significant impact on the quality of the human environment.

The EA and FONSI may be viewed on the *Regulations.gov* website (see footnote 1). Copies of the EA and FONSI are also available for public inspection at 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 27th day of April 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–09467 Filed 5–2–22; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice, supporting documents, and the comments we received, go to *https://www.regulations.gov* and enter APHIS–2019–0068 in the Search field.

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection: Annual Wildfire Summary Report

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the USDA Forest Service is seeking comments from all interested individuals and organizations on the renewal of a currently approved information collection, Annual Wildfire Summary Report.

DATES: Comments must be received in writing on or before July 5, 2022 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: timothy.melchert@usda.gov.*
- *Mail:* Tim Melchert, Fire and Aviation Management, National Interagency Fire Center, USDA Forest Service, 3833 S Development Avenue, Boise, ID 83705.
- *Hand Delivery/Courier:* Tim Melchert, Fire and Aviation Management, National Interagency Fire Center, USDA Forest Service, 3833 S Development Avenue, Boise, ID 83705.
- *Facsimile:* 208–387–5375.

The public may inspect comments received at National Interagency Fire Center, 3833 S Development Avenue, Boise, ID 83705, during normal business hours. Visitors are encouraged to call ahead to 208–387–5604 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Tim Melchert, Fire and Aviation Manager, National Interagency Fire Center, 208–387–5887. Individuals who use TDD may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Annual Wildfire Summary Report.

OMB Number: 0596–0025.

Expiration Date of Approval: December 31, 2022.

Type of Request: Renewal without Revision.

Abstract: The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 (note) Sec. 10) requires the Forest Service to collect information about wildfire suppression efforts by State and local firefighting agencies in support of congressional funding requests for the Forest Service State and Private Forestry Cooperative Fire Program. The program provides supplemental funding for State and local firefighting agencies. The Forest Service works cooperatively with State and local firefighting agencies to support their fire suppression efforts.

State fire marshals and State forestry officials use form FS–3100–8 (Annual Wildfire Summary Report) to report information to the Forest Service regarding State and local wildfire suppression efforts. The Forest Service is unable to assess the effectiveness of the State and Private Forestry Cooperative Fire Program without this information. Forest Service managers evaluate the information to determine if the Cooperative Fire Program funds used by State and local fire agencies

have improved fire suppression capabilities. The Forest Service shares the information with Congress as part of the annual request for funding for this program.

The information collected includes the number of fires responded to by State or local firefighting agencies within a fiscal year, as well as the following information pertaining to such fires:

- Total number of acres protected by the State;
- Size (in acres) of the fires; and
- Cause of fires (lightning, campfires, arson, etc.).

The data gathered is not available from any other sources.

Estimate of Burden per Response: 30 minutes.

Type of Respondents: State fire marshals or State forestry officials.

Estimated Annual Number of Respondents: 56.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 28 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) 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 the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Jaelith Hall-Rivera,

Deputy Chief, State & Private Forestry.

[FR Doc. 2022–09454 Filed 5–2–22; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kentucky Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Kentucky Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a web meeting via WebEx at 12:00 p.m. ET on Tuesday, June 21, 2022, for the purpose of discussing the Committee's project on Civil Asset Forfeiture in Kentucky.

DATES: The meeting will take place on Tuesday, June 21, 2022, at 12:00 p.m. ET.

Online (Audio/Visual): https://tinyurl.com/jzrfk5ds.

Telephone (Audio Only): Dial: 1–800–360–9505; Access Code: 2761 645 0785.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez, DFO, at *ero@usccr.gov* or 202–376–8473.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the meeting link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email *ero@usccr.gov* at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at 310–464–7102.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kentucky Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at the above email or street address.

Agenda

I. Roll Call
II. Planning—Potential Panelists
III. Next Steps
IV. Public Comment
V. Adjournment

Dated: April 27, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–09413 Filed 5–2–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Wednesday, May 18, 2022, at 1:00 p.m. (AT). The purpose is to for project planning.

DATES: May 18, 2022, Wednesday, at 1:00 p.m. (AT):

- To join by web conference, use WebEx link: *https://tinyurl.com/2p8vesk7;* password, if needed: PRTAC
- To join by phone only, dial 1–800–360–9505; Access code: 2760 939 3463#

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written

comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Wednesday, May 18, 2022; 1:00 p.m. (AT)

1. Welcome & Roll Call
2. Committee Discussion and Project Planning
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: April 28, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–09479 Filed 5–2–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Washington Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Washington Advisory Committee (Committee) will hold various meetings via web teleconference on Thursday, May 19, 2022, from 10:30 a.m. to 11:30 a.m. and Tuesday, June 28, 2022, from 11:00 a.m.–12:00 p.m. Pacific, for the purpose of selecting their next topic of study.

DATES: These meetings will be held on:

- Thursday, May 19, 2022, from 10:30 a.m.–11:30 a.m. PT
- Tuesday, June 28, 2022, from 11:00 a.m.–12:00 p.m. PT

May 19th Public WebEx Registertion Link: https://tinyurl.com/bde645sf.

June 28th Public WebEx Registertion Link: https://tinyurl.com/5n7scy56.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO), at *bpeery@usccr.gov* or by phone at (202) 701–1376.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the public WebEx registration link listed above. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Brooke Peery at *bpeery@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office/Advisory Committee Management Unit at (202) 701–1376.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkZAAQ.*

Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or you may contact the Regional Programs Unit office at the above email address.

Agenda

I. Welcome & Roll Call
II. Approval of Minutes
III. Committee Discussion of Topics
IV. Public Comment
V. Adjournment

Dated: April 27, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–09417 Filed 5–2–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Amended Trade Mission Date and Application Deadline to the Aerospace Trade Mission to India and Amended Date for the Clean Air Trade Mission (Virtual) to India

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is announcing amended dates for the following upcoming trade missions that were previously announced and published in the **Federal Register**:

- Aerospace Trade Mission to India, originally scheduled from June 21–24, 2022, is postponed to September 19–23, 2022. The application deadline is extended to August 1, 2022.
- Clean Air Trade Mission to India (Virtual) previously scheduled for May 4–6, 2022, is postponed to June 28–30, 2022. The application deadline, previously published in the **Federal Register**, remains March 15, 2022.

SUPPLEMENTARY INFORMATION: Amendments to Revise the Trade Mission Dates and Deadline for Submitting Applications as Applicable.

Background

Aerospace Trade Mission to India

The International Trade Administration has determined that to allow for optimal execution of recruitment and event scheduling for the mission, the dates of the mission are postponed from June 21–24, 2022 to September 19–23, 2022. As a result of the shift of the event dates the application deadline is revised to August 1, 2022. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the 87 FR 2130 (January 13, 2022). The applicants selected will be notified as soon as

possible. The proposed schedule is updated as follows:

Proposed Timetable

Monday, September 19, 2022

- Trade Mission Participants Arrive in New Delhi, India

Tuesday, September 20, 2022

- Plenary Session—U.S. Embassy officials welcome delegation
- Market Briefing: The Aerospace Sector in India—Opportunities and Challenges
- B2B and B2G Meetings for Mission Delegates in Delhi
- Site visit at AIESL MRO workshops (TBC)
- Reception Hosted by trade association or other organization

Wednesday, September 21, 2022

- B2B and B2G Meetings for Mission Delegates in Delhi
- Flight to Hyderabad
- Networking Reception Hosted by Local Chamber (TBC)

Thursday, September 22, 2022

- B2B and B2G Meetings for Mission Delegates in Hyderabad
- Departure for Optional Spin-Offs

Friday, September 23, 2022

- B2B and B2G Meetings in Spin-Off Locations (Mumbai/Bengaluru)
- Departure for the United States

Contact

1. Geoffrey Parish, Principal Commercial Officer, North India, U.S. Commercial Service, New Delhi, India, Tel: +91–11–2347 2000, Email: *geoffrey.parish@trade.gov*
2. Raghavan Srinivasan, Commercial Officer, U.S. Commercial Service, New Delhi, India, Tel: +91–11–2347 2000, Email: *Raghavan.Srinivasan@trade.gov*
3. Nisha Wadhawan, Commercial Specialist, U.S. Commercial Service, New Delhi, India, Tel: +91–11–2347 2000, Email: *nisha.wadhawan@trade.gov*
4. Shamli Menon, Commercial Specialist, U.S. Commercial Service, Mumbai, India
5. Theodate Immanuel, Commercial Specialist, U.S. Commercial Service, Hyderabad, India
6. Manjushree Phookan, Commercial Specialist, U.S. Commercial Service, Bengaluru, India
7. Amy Magat, Sr., International Trade Specialist, U.S. Commercial Service, Downtown Los Angeles, Tel: +1 (213) 276–2990, Email: *amy.magat@trade.gov*
8. Oscar Magaña, International Trade Specialist, U.S. Commercial Service, San Antonio, TX, Tel: +1 (210) 419–3043, Email: *oscar.magana@trade.gov*
9. Meredith Boyle, International Trade Specialist (Aerospace & Defense), Office of Transportation and Machinery, Tel: +202–839–2347, Email: *meredith.boyle@trade.gov*

Background

Clean Air Trade Mission to India (Virtual)

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 87 FR 9316 (February 18, 2022), announcing the postponement of the Clean Air Trade Mission to India being held virtually from May 2–5, 2022 to May 4–6, 2022. The trade mission has been rescheduled again from May 4–6, 2022, to June 28–30, 2022. The previously published March 15, 2022 deadline remains, but applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The U.S. Department of Commerce will review applications and make selection decisions on a comparative basis in accordance with the Notice published at 86 FR 21697 (April 23, 2021). The applicants selected will be notified as soon as possible.

Contact

Jing Liu, Commercial Officer, U.S. Commercial Service, New Delhi, India, Tel: +91–11–2347 2000, Email: *Jing.Liu@trade.gov*

Arup Mitra, Senior Commercial Specialist, U.S. Commercial Service, Kolkata, India, Tel: +91–11–2347 2000, Email: *Arup.Mitra@trade.gov*

Megan Hyndman, India/Pakistan Desk Officer, Global Markets, Tel: +1–202–482–4437, Email: *Megan.Hyndman@trade.gov*

Haisum Shah, International Trade Specialist, U.S. Commercial Service—Oregon and SW Washington, Tel: +1–503–347–1708, Email: *Haisum.Shah@trade.gov*

David Dennis, International Trade Specialist, Office of Energy and Environmental Industries, Tel: 802.458.7678, Email: *David.Dennis@trade.gov*

Gemal Brangman,

Director, ITA Events Management Task Force.

[FR Doc. 2022–09426 Filed 5–2–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting of a Federal Advisory Committee.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, May 17, 2022 from 10:00 a.m. to 1:00 p.m. Eastern Daylight Time (EDT). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EDT on Tuesday, May 10, 2022.

ADDRESSES: The meeting will be held virtually via Webex. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration, at *victoria.yue@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration (Phone: 202–482–3492; email: *Victoria.yue@trade.gov*).

SUPPLEMENTARY INFORMATION: The meeting will take place on Tuesday, May 17, 2022 from 10:00 a.m. to 1:00 p.m. EDT. The general meeting is open to the public and time will be permitted for public comment. Members of the public seeking to attend the meeting are required to register in advance. Those interested in attending must provide notification by Tuesday, May 10, 2022, at 5:00 p.m. EDT, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Victoria Yue at *victoria.yue@trade.gov* or (202) 482–3492 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered

during the meeting, written comments must be received by Tuesday, May 10, 2022, at 5:00 p.m. EDT to ensure transmission to the members before the meeting. Minutes will be available within 90 days of this meeting.

Topics to be considered: During the May 17 meeting, which will be the sixth meeting of the current charter term, the Committee will review draft recommendations and conduct subcommittee breakouts under the themes of Trade Policy and Export Competitiveness, Climate Change Mitigation and Resilience Technologies, and Waste Management and Circular Economy. An agenda will be made available one week prior to the meeting upon request to Victoria Yue.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 15, 2022.

Dated: April 28, 2022.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2022–09469 Filed 5–2–22; 8:45 am]

BILLING CODE 3510–DR–P

CONSUMER PRODUCT SAFETY COMMISSION

CPSC Roundtable on Equity Action Plan

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of forum.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) will hold a roundtable discussion on its Equity Action Plan created in response to Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. CPSC staff invites interested parties to attend and participate in this forum in-person or via webinar.

DATES: The forum will take place from 1 p.m. to 3 p.m., Eastern Standard Time (EST) on Wednesday, May 25, 2022. Individuals interested in serving as active participants in-person or via webinar should contact Jonathan Midgett at *consumerombudsman@cpsc.gov* by May 18, 2022. Individuals interested in serving as active participants via webinar should also register online by May 18, 2022. All other individuals who wish to attend the discussion as online observers should register by May 24, 2022. In-person observers do not require registration.

ADDRESSES: The forum will be held in-person and via webinar in the Commission's main Hearing Room located on the fourth floor of Bethesda Towers, 4330 East-West Highway, Bethesda, MD 20814. Attendance is free of charge. Persons interested in attending the roundtable online should register online at: *https://cpsc.webex.com/cpsc/onstage/g.php?MTID=e6d371417117fc772ce1d9b2da1ed50ff.* After registering, you will receive a confirmation email containing information about joining the webinar. In-person attendance does not require registration. Persons interested in being active participants in the discussion should contact Jonathan Midgett, Consumer Ombudsman, at *consumerombudsman@cpsc.gov.*

FOR FURTHER INFORMATION CONTACT: Jonathan Midgett, Consumer Ombudsman, 4330 East-West Highway, Bethesda, MD 20814; telephone: 301–509–8120; email: *consumerombudsman@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC staff is hosting a roundtable discussion on the agency's Equity Action Plan created in response to Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.[1] The information collected from the forum will assist staff in making recommendations for improving CPSC's Equity Action Plan.[2]

I. Background

Executive Order 13985 defines the term ''equity'' as ''the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.''[3] CPSC staff reviewed current racial data related to certain consumer product-related injuries and fatalities and found that some racial minorities have disproportionately higher rates of injury associated with carbon monoxide poisoning, residential fires, and drowning in pools and spas.

II. Topics

The CPSC's Equity Action Plan, available at *https://www.cpsc.gov/equity,* outlines the agency's efforts to address such disparities. CPSC seeks information from any interested parties on the Equity Action Plan and potential methods of improving agency informational and educational outreach, stakeholder engagement, regulatory and enforcement policies, research methods, data and analysis, standards development, or any other relevant strategies to reduce deaths and injuries associated with racial disparities or other underserved communities.

III. Roundtable Details

A. Time and Place

CPSC staff will hold the forum in-person and via webinar from 1 p.m. to 3 p.m., Eastern Standard Time (EST) on Wednesday, May 25, 2022.

B. Registration

Registration is required to participate as a discussant and attend via webinar. Registration is not required to attend in person. If you would like to attend the roundtable discussion as an observer, but you do not wish to participate as a discussant, please register online by May 24, 2022. (See the **ADDRESSES** portion of this document for the website link and instructions to register.)

If you would like to participate in the roundtable discussion in-person, contact Jonathan Midgett, Consumer Ombudsman, at *consumerombudsman@cpsc.gov* by May 18, 2022. If you would like to participate in the roundtable discussion via webinar, contact Jonathan Midgett, Consumer Ombudsman, at *consumerombudsman@cpsc.gov* and register by May 18, 2022. (See the **ADDRESSES** portion of this document for the website link.) CPSC staff will select participants, based on considerations such as the total number of volunteers, time constraints, and the goal of having representation from a wide variety of stakeholder groups and interests. Staff will notify those who are selected to participate by May 20, 2022. Although staff will try to accommodate all persons who wish to participate, the final discussant group will depend on the number of persons who wish to contribute. If you have any questions regarding participating in the roundtable, please contact Jonathan Midgett, by email at: *consumerombudsman@cpsc.gov,* or telephone at:

[1] *https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government.*

[2] The Commission voted 4–0 to approve this notice.

[3] *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/.*

301–509–8120. Detailed instructions for the webinar participants and other interested parties will be made available on the CPSC's Public Calendar: *https://cpsc.gov/newsroom/public-calendar.*

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2022–09409 Filed 5–2–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2022–SCC–0008]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Resource Centers' Survey on Diverse Perspectives

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before June 2, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sara Starke, (202) 453–7681.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Resource Centers' Survey on Diverse Perspectives.

OMB Control Number: 1840–NEW.

Type of Review: New collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 50.

Abstract: The National Resource Centers (NRC) program is authorized under Title VI, part A, section 602 of the Higher Education Act of 1965, as amended (HEA). The program provides grants to institutions of higher education (IHEs) or consortia of IHEs to establish, strengthen, and operate comprehensive and undergraduate centers that will be national resources for the teaching of modern foreign languages; instruction in fields needed to provide full understanding of world regions where modern foreign languages are used; research and training in international studies and international and foreign language aspects of professional and other fields of study; and instruction and research on issues in world affairs. NRC grants also support outreach activities to the K–16 education sectors and the business, media, and general public.

Dated: April 28, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–09476 Filed 5–2–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2022–SCC–0059]

Agency Information Collection Activities; Comment Request; 2023–24 National Postsecondary Student Aid Study (NPSAS:24) Field Test—Institution Contacting and List Collection

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before July 5, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0059. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W201, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, (202) 245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also

helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2023–24 National Postsecondary Student Aid Study (NPSAS:24) Field Test—Institution Contacting and List Collection.

OMB Control Number: 1850–0666.

Type of Review: Revision of a currently approved information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 505.

Total Estimated Number of Annual Burden Hours: 1,232.

Abstract: This request is to conduct the 2023–24 National Postsecondary Student Aid Study Institution Contacting and List Collection Field Test (NPSAS:24 FT). This study is being conducted by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES), part of the U.S. Department of Education. This submission covers materials and procedures related to institution sampling, enrollment list collection, and matching to administrative data files as part of the NPSAS:24 FT data collection, and includes details about the full-scale institution sampling and enrollment list data collection. NCES will submit a separate clearance package covering the student FT data collection, including the student record data abstraction and student surveys, in the summer of 2022. The materials and procedures for NPSAS:24 are based on those developed for previous institution-based data collections, including the 2019–20 National Postsecondary Student Aid Study (NPSAS:20) [OMB #1850–0666 v. 23], and the 2017–18 National Postsecondary Student Aid Study Administrative Collection (NPSAS:18–AC) [1850–0666 v.21]. The first NPSAS was implemented by NCES during the 1986–87 academic year to meet the need for national data about significant financial aid issues. Since 1987, NPSAS has been fielded every 2 to 4 years, most recently during the 2019–20 academic year (NPSAS:20). NPSAS:24 will be nationally-representative. The NPSAS:24 field test sample size will be 6,000 students, and the full-scale sample will include 137,000 nationally representative undergraduate and 25,000 nationally representative graduate students who will be asked to complete a survey and for whom we will collect student records and administrative data. If the full-scale budget allows, we will include state-representative sampling for the full-scale collection, and provide the budget for a state-representative sampling plan in the 30-day full-scale package, planned for 2023. Also, if exercised, NPSAS:24 will serve as the base year for the 2024 cohort of the Baccalaureate and Beyond (B&B) Longitudinal Study and will include a nationally representative sample of students who will complete requirements for the bachelor's degree during the NPSAS year (*i.e.,* completed at some point between July 1, 2022 and June 30, 2023 for the field test and July 1, 2023 to June 30, 2024 for the full-scale). Subsets of questions in the student survey will focus on describing aspects of the experience of students in their last year of postsecondary education, including student debt and education experiences. This submission is designed to adequately justify the need for and overall practical utility of the full study, presenting the overarching plan for all of the phases of the institution sampling and enrollment list data collection and providing as much detail about the measures to be used as is available at the time of this submission. As part of this submission, NCES is publishing a notice in the **Federal Register** allowing first a 60- and then a 30-day public comment period. Field test materials, procedures, and results will inform the full-scale study. After completion of this field test, NCES will publish a notice in the **Federal Register** allowing additional 30-day public comment period on the final details of the NPSAS:24 full-scale institution sampling and enrollment list study.

Dated: April 27, 2022.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–09416 Filed 5–2–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Bonneville Power Administration, Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE), Bonneville Power Administration (BPA), 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 Bonneville Power Administration (BPA) Security, OMB Control Number 1910–5188. The proposed collection will be used to determine access to BPA facilities and report incidents of damage or loss. This information is used to manage and oversee personnel and physical security programs.

DATES: Comments regarding this proposed information collection must be received on or before July 5, 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 and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60 day Review—Open for Public Comments'' or by using the search function. Written comments may be sent to Bonneville Power Administration, Attn: Stephanie Noell, Privacy Program, CGI–7, P.O. Box 3621, Portland, OR 97208–3621, or by email at *privacy@bpa.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Attn: Stephanie Noell, Privacy Program, by email at *privacy@bpa.gov,* or by phone at (503) 230–3881.

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.:* 1910–5188;

(2) *Information Collection Request Titled:* Security;

(3) *Type of Review:* Extension;

(4) *Purpose:* This information collection is associated with BPA's management and oversight of access to BPA offices and facilities in order to provide measures to safeguard personnel; to prevent unauthorized access to equipment, facilities, material and documents; to safeguard against espionage, sabotage, and theft: BPA F 1400.22a—Other Utility/Contractor/Vendor Worker Access Request, BPA F 1400.22e—Non-Government Employee Data in HRMIS, BPA F 5630.04e—Security Privilege Request—for BPA Control Centers, BPA F 5632.01e—Security Incident Report, BPA F 5632.08e—Unclassified Visits and Assignments—Foreign Nationals Registration (Short Form), BPA F 5632.09e—Personal Identity Verification (PIV) Request for LSSO/Smart Credential, BPA F 5632.11a—BPA Visitor(s) Access Request—with continuation page, BPA F 5632.11e—BPA Visitor(s) Access Request, BPA F 5632.12e—Evidence/Chain of Custody Document, BPA F 5632.18e—Crime Witness Telephone Report, BPA F 5632.27e—Badge Replacement Request, BPA F 5632.30e—PIN Code Request, BPA F 5632.32e—Card Key Access Request;

(5) *Annual Estimated Number of Respondents:* 8,033;

(6) *Annual Estimated Number of Total Responses:* 8,033;

(7) *Annual Estimated Number of Burden Hours:* 1,508.5;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 0.

Statutory Authority: The Bonneville Project Act of 1937, 16 U.S.C. 832a; and the following additional authorities: 5 U.S.C. 1302, 2951, 3301, 3372, 4118, & 8347; 42 U.S.C. 2165 & 7101, et seq; 5 CFR Chapter I parts 5 & 736, E.O. 10450, E.O. 12107, E.O. 12333, E.O. 13284, E.O. 13467, E.O. 13470, E.O. 13488, E.O. 13764, FERC Order No. 706, FIPS 201–2, and HSPD 12.

Signing Authority

This document of the Department of Energy was signed on April 11, 2022 by Candice D. Palen, Information Collection Clearance Manager, Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 28, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–09482 Filed 5–2–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Request for Information on Formula Grants to States and Indian Tribes for Preventing Outages and Enhancing the Resilience of the Electric Grid

AGENCY: Grid Deployment Office, U.S. Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE or the Department) invites public comment on its request for information (RFI) regarding formula grants to be awarded to States and Indian Tribes to support investments for preventing outages and enhancing the resilience of the electric grid. The purpose of the RFI is to collect stakeholder feedback to inform DOE's structuring of such formula grants to States and Indian Tribes, with funding made available through a provision of the Infrastructure Investment and Jobs Act.

DATES: Responses to the RFI must be received by no later than 11:59 p.m. EDT on June 2, 2022.

ADDRESSES: Interested parties are to submit questions, comments, and responses to the Department's RFI to the following email address: *40101formulagrants@hq.doe.gov.* Include ''Formula Grants to States and Indian Tribes for Preventing Outages and Enhancing the Resilience of the Electric Grid'' in the subject line of the email. Responses must be provided as attachments to an email. Responses must be provided as a Microsoft Word (.docx) attachment to the email, and no more than 5 pages in length, 12-point font, 1-inch margins. If possible, copy and paste the RFI sections as a template for your responses. It is recommended that attachments with file sizes exceeding 25MB be compressed (*i.e.,* zipped) to ensure message delivery. Only electronic responses will be accepted. The complete RFI document, as well as, documents describing DOE's plans for implementing section 40101(d), and other pertinent information are available at *https://netl.doe.gov/bilhub/grid-resilience/formula-grants.*

FOR FURTHER INFORMATION CONTACT: Comments and questions may also be addressed to: Patricia Hoffman, Grid Deployment Office, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585 (202)-586–6074, *pat.hoffman@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 40101(d) of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58), codified at 42 U.S.C. 18711(d), directs the Secretary of Energy (Secretary) to establish a formula grant program to provide funds to States [1] and Indian Tribes [2] to support investments for preventing outages and enhancing the resilience of the electric grid. Under section 40101(d), the U.S. Department of Energy (DOE or the Department) is authorized to provide up to $459 million annually over a five-year period (for Fiscal Years 2022 through 2026) to States and Indian Tribes according to an award formula based on five statutorily defined factors. States and Indian Tribes are required to submit annual applications to DOE to receive funding.

The Department seeks input, in the form of comments and questions, from all stakeholders on DOE's plans for implementing section 40101(d), including on the application and award requirements, the award formula allocation, and the technical assistance approach. Documents that provide this information are located at: *https://*

[1] The term ''States'' includes herein all 50 States, U.S. Territories, and the District of Columbia.

[2] The term ''Indian Tribe'' herein ''has the meaning given . . . in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).'' 42 U.S.C. 18701(2).

netl.doe.gov/bilhub/grid-resilience/formula-grants.

These documents are:

1. Section 40101(d) Formula Grant Program Notice of Intent (NOI),
2. Draft Section 40101(d) Formula Grant Administrative and Legal Requirements Document (ALRD), and
3. Draft Allocation of Funds under the IIJA Section 40101(d)—Formula Grant Program.

In addition, the Department would appreciate responses from States and Indian Tribes to the following questions:

1. What are the specific challenges you anticipate with regard to providing the Program Narrative outlined in Appendix A of the NOI, if any?
2. What are the areas in which you would most appreciate receiving technical assistance? In addition, what approaches for providing technical assistance would be most helpful to you? The NOI includes a discussion on technical assistance.
3. What additional data sources are you aware of that may help DOE prepare the award formula?

This is solely a request for information and is not a request for applications. DOE is not accepting applications to this RFI, nor will DOE reimburse any of respondents' costs in preparing a response.

Proprietary Information

Because information received in response to this RFI may be used to structure future programs and formula grant allocations and/or otherwise be made available to the public, respondents are strongly advised NOT to include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response. Responses containing confidential, proprietary, or privileged information must be conspicuously marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.

Confidential, Commercial, and Financial Information. Consistent with 10 CFR 1004.11, DOE requires that any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''Confidential Commercial and Financial Information'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination. The copy containing confidential commercial and financial information must include a cover sheet marked as follows identifying the specific pages containing confidential, proprietary, or privileged information: ''Notice of Restriction on Disclosure and Use of Data: Pages [list applicable pages] of this response may contain confidential, commercial, or financial information that is exempt from public disclosure.'' The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source. In addition, (1) the header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: ''Contains Confidential, Commercial, or Financial Information Exempt from Public Disclosure'' and (2) every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with [[double brackets]] or highlighting.

Signing Authority

This document of the Department of Energy was signed on April 27, 2022, by Patricia A. Hoffman, Acting Director of the Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document on publication in the **Federal Register**.

Signed in Washington, DC, on April 28, 2022.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2022–09445 Filed 5–2–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid open meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this in-person/virtual hybrid meeting be announced in the **Federal Register**.

DATES: Thursday, June 2, 2022; 6:00 p.m.–8:00 p.m.

ADDRESSES: This hybrid meeting will be conducted in person for Board members, Department of Energy (DOE) representatives and Board support staff, and virtually for all other participants.

Board members, DOE representatives and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: The Ohio State University, Endeavor Center, 1862 Shyville Road, Room 165, Piketon, OH 45661.

Board liaisons and DOE contractors will participate via virtual platforms.

FOR FURTHER INFORMATION CONTACT: Eric Roberts, Board Support Manager, by Phone: (270) 554–3004 or Email: *eric@pgdpcab.org.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Review of Agenda
- Administrative Issues
- Reading of Public Comments

Public Participation: The in-person/online virtual hybrid meeting is open to the public. To obtain the link to observe this meeting, please contact the Portsmouth Board Support Manager at the aforementioned email address by no later than 5:00 p.m. ET on Monday, May 30, 2022. Please put ''Meeting Link'' in the subject line. Written statements may be filed with the Board either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. Comments received by no later than 5:00 p.m. ET on Monday, May 30, 2022, will be read aloud during the meeting. Comments will also be accepted after the meeting, by no later than 5:00 p.m.

ET on Friday, June 10, 2022. Please submit comments to the Portsmouth Board Support Manager at the aforementioned email address. Please put ''Public Comment'' in the subject line. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Eric Roberts, Board Support Manager, Emerging Technology Center, Room 221, 4810 Alben Barkley Drive, Paducah, KY 42001; Phone: (270) 554–3004. Minutes will also be available at the following website: *https://www.energy.gov/pppo/ports-ssab/listings/meeting-materials.*

Signed in Washington, DC, on April 26, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–09437 Filed 5–2–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM21–9–000]

Technical Conference on Financial Assurance; Measures for Hydroelectric Projects; Notice Inviting Technical Conference Comments

On April 26, 2022, the Federal Energy Regulatory Commission (Commission) convened a Commission staff-led technical conference to discuss how the Commission may require additional financial assurance mechanisms in the licenses and other authorizations it issues for hydroelectric projects, to ensure that licensees have the capability to carry out license requirements and, particularly, to maintain their projects in safe condition.

All interested persons are invited to file post-technical conference comments to address issues raised during the technical conference and identified in the Supplemental Notices of Technical Conference issued on February 15, and April 12, 2022. For reference, the questions included in the Supplemental Notices are included below. Commenters need not answer all of the questions but are encouraged to organize responses using the numbering and order in the questions below. Commenters are also invited to reference material previously filed in this docket but are encouraged to avoid repetition or replication of previous material. Comments are due on Monday, June 13, 2022.

Comments may be filed electronically via the internet.[1] Instructions are available on the Commission's website *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659.

For more information about this notice, please contact *HydroFinancialAssurance@ferc.gov.*

Dated: April 27, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–09452 Filed 5–2–22; 8:45 am]

BILLING CODE 6717–01–P

[1] *See* 18 CFR 385.2001(a)(1)(iii) (2021).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–41–000]

Cameron LNG, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Cameron LNG Amended Expansion Project

On January 18, 2022, Cameron LNG, LLC (Cameron LNG) filed an application in Docket No. CP22–41–000 requesting to amend its authorization under section 3 of the Natural Gas Act for the Cameron Expansion Project issued on May 5, 2016 (Docket No. CP15–560–000). The proposed project is known as the Cameron LNG Amended Expansion Project (Project Amendment), and would reduce the overall production capacity of Cameron LNG's liquefaction terminal from 9.97 to 6.75 million tons of liquefied natural gas per annum.

On January 28, 2022, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project Amendment. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project Amendment.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project Amendment and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—December 2, 2022
90-day Federal Authorization Decision Deadline [2]—March 2, 2023

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project Amendment's progress.

Project Description

Cameron LNG proposes to no longer construct the authorized Train 5; modify the approved Train 4 and perform associated design enhancements; and perform an additional design enhancement to allow simultaneous loading of two liquefied natural gas vessels at a rate of 12,000 cubic meters/hour at both the North and South Jetties. The Project Amendment facilities would be within the existing footprint authorized by the Commission for the Expansion Project (Docket No. CP15–560–000) in Cameron and Calcasieu Parishes, Louisiana.

Background

On March 31, 2022, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Cameron LNG Amended Expansion Project and Notice of Public Scoping Session* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the Notice of Scoping, the Commission received comments from the U.S. Fish and Wildlife Service, stating they had no comments on the Project Amendment. All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets,

[1] 40 CFR 1501.10 (2020).

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' (*i.e.,* CP22–41–000), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 27, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–09450 Filed 5–2–22; 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: RP22–839–000.
Applicants: Blue Lake Gas Storage Company.
Description: Compliance filing: 2022 Operational Purchases and Sales Report to be effective N/A.
Filed Date: 4/26/22.
Accession Number: 20220426–5182.
Comment Date: 5 p.m. ET 5/9/22.

Docket Numbers: RP22–840–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) Rate Filing: Negotiated Rates—Various May 1 2022 Capacity Releases to be effective 5/1/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5018.
Comment Date: 5 p.m. ET 5/9/22.

Docket Numbers: RP22–841–000.
Applicants: Florida Southeast Connection, LLC.
Description: Annual System Balancing Adjustment Filing of Florida Southeast Connection, LLC.
Filed Date: 4/26/22.
Accession Number: 20220426–5102.
Comment Date: 5 p.m. ET 5/9/22.

Docket Numbers: RP22–842–000.
Applicants: ANR Storage Company.
Description: Compliance filing: 2022 Operational Purchases and Sales Report to be effective N/A.
Filed Date: 4/27/22.
Accession Number: 20220427–5080.
Comment Date: 5 p.m. ET 5/9/22.

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 27, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–09451 Filed 5–2–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8405–023]

Green Mountain Power Corporation; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a Subsequent License and Commencing Pre-filing Process.

b. *Project No.:* 8405–023.

c. *Dated Filed:* February 28, 2022.

d. *Submitted by:* Green Mountain Power Corporation (GMP).

e. *Name of Project:* Glen Hydroelectric Project (Glen Project).

f. *Location:* The Glen Project is located on the Mascoma River in Grafton County, New Hampshire. The project does not occupy federal land.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Mr. John Greenan, P.E., Green Mountain Power Corporation, 2152 Post Road, Rutland, VT 05701; (802) 770–2195; *John.Greenan@greenmountainpower.com.*

i. *FERC Contact:* Steve Kartalia at (202) 502–6131 or email at *stephen.kartalia@ferc.gov.*

j. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating GMP as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. GMP filed with the Commission a Pre-Application Document (PAD, including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCONlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *https://ferconline.ferc.gov/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.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–8405–023.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by June 26, 2022.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document.

The dates and times of these meetings are as follows:

Daytime Scoping Meeting

Thursday, May 26, 2022, 10:00 a.m.–12:00 p.m. EST

Call in number: 800–779–8625.
Participant passcode: 3472916.

Evening Scoping Meeting

Thursday, May 26, 2022, 6:00 p.m.–8:00 p.m. EST

Call in number: 800–779–8625.
Participant passcode: 3472916.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and GMP's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Virtual Site Tour

GMP will hold a virtual site tour of the Glen Project on May 25, 2022, starting at 10 a.m. Please contact Kirk Smith of Gomez and Sullivan Engineers at (603) 340–7667 or *ksmith@gomezandsullivan.com*, by May 24, 2022, if you plan to attend. Meeting details will be provided by Gomez and Sullivan staff once attendance is confirmed.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the potential for any federal or state agency or Indian tribe to act as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for comments and questions. We ask for your patience as staff present information and field participant comments in orderly manner. To indicate you have a question or comment, press * and 3 to virtually ''raise your hand.'' Oral comments will be limited to 5 minutes in duration for each participant. The meetings will be recorded by a stenographer and will be filed to the public record of the project.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants on the telephone conference line have presented their oral comments or at the specified end time, whichever occurs first.

Dated: April 27, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–09448 Filed 5–2–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–25–000]

Venture Global Calcasieu Pass, LLC; Notice of Schedule for the Preparation of an Environmental Assessment for the Calcasieu Pass Uprate Amendment Project

On December 3, 2021, Venture Global Calcasieu Pass, LLC (Calcasieu Pass) filed an application in Docket No. CP22–25–000 requesting an amendment to its Section 3 of the Natural Gas Act authorization granted by the Commission on February 21, 2019 in Docket No. CP15–550–000. The proposed project is known as the Calcasieu Pass Uprate Amendment Project (Project), and it would increase the Calcasieu Pass Export Terminal's authorized peak liquefaction capacity achievable under optimal conditions from 12.0 million metric tons per annum to 12.4 million metric tons per annum of liquified natural gas (LNG)—or from approximately 620 billion cubic feet to 640.7 billion cubic feet per year (gas equivalence).

On December 15, 2021, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.[1]

Schedule for Environmental Review

Issuance of EA—June 24, 2022
90-day Federal Authorization Decision Deadline[2]—September 22, 2022

This schedule is dependent upon the applicant providing complete responses to information requested by staff in the timeframe identified in staff's environmental information requests. If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Calcasieu Pass proposes to increase the Export Terminal's authorized peak liquefaction capacity achievable under optimal conditions from 12.0 million metric tons per annum to 12.4 million metric tons per annum of LNG. According to Calcasieu Pass, this proposed increase in the peak liquefaction capacity reflects refinements in the conditions and assumptions concerning the maximum potential operations. The requested increase does *not* involve the construction of any new facilities nor any modification of the previously authorized facilities. There would be no land disturbance required for this Project.

Background

On March 24, 2022, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Calcasieu Pass Uprate Amendment Project.* The Notice of Scoping was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. Comments were filed by the U.S. Environmental Protection Agency, RESTORE, and the Deep South Center for Environmental Justice regarding light and noise pollution, air emissions, safety, environmental justice, climate change, and economic impacts. All substantive comments received will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' (*i.e.,* CP22–25–000), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 27, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–09447 Filed 5–2–22; 8:45 am]

BILLING CODE 6717–01–P

[1] 40 CFR 1501.10 (2020).

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1531–007.
Applicants: CPV Fairview, LLC.
Description: Notice of Change in Status of CPV Fairview, LLC.
Filed Date: 4/27/22.
Accession Number: 20220427–5299.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER19–2019–004.
Applicants: Tucson Electric Power Company.
Description: Compliance filing: TEP Formula Rate Compliance Filing to be effective 8/1/2019.
Filed Date: 4/27/22.
Accession Number: 20220427–5157.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER20–2577–003.
Applicants: Southwest Power Pool, Inc., American Electric Power Service Corporation.
Description: Compliance filing: Southwest Power Pool, Inc. submits tariff filing per 35: Supp Compliance Filing in Rsp. to Order Issued in ER20–2577 (AEP West Transcos) to be effective 1/27/2020.
Filed Date: 4/26/22.
Accession Number: 20220426–5226.
Comment Date: 5 p.m. ET 5/17/22.

Docket Numbers: ER22–907–001.
Applicants: Indeck Niles, LLC.
Description: Compliance filing: Compliance Filing to be effective 3/29/2022.
Filed Date: 4/26/22.
Accession Number: 20220426–5211.
Comment Date: 5 p.m. ET 5/17/22.

Docket Numbers: ER22–944–001.
Applicants: Black Rock Wind Force, LLC.
Description: Compliance filing: Informational Filing to be effective 3/1/2022.

Filed Date: 4/27/22.
Accession Number: 20220427–5055.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER22–1688–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 351, Balancing Authority Services Agreement to be effective 5/3/2022.
Filed Date: 4/26/22.
Accession Number: 20220426–5215.
Comment Date: 5 p.m. ET 5/17/22.

Docket Numbers: ER22–1689–000.
Applicants: NorthWestern Corporation.
Description: Tariff Amendment: Cancellation of SA 884: Agreement with Fagen, Inc. to be effective 4/28/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5000.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER22–1690–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3931 Tyr Energy and Sunflower Electric Meter Agent Agreement to be effective 4/1/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5016.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER22–1691–000.
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 two ECSAs, SA Nos. 6334 and 6339 to be effective 6/27/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5086.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER22–1692–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: MAIT submits one ECSA, SA No. 6336 to be effective 6/27/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5098.
Comment Date: 5 p.m. ET 5/18/22.

Docket Numbers: ER22–1693–000.
Applicants: West Penn Power Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: West Penn Power Company submits tariff filing per 35.13(a)(2)(iii: WPP submits One ECSA, SA No. 6291 to be effective 6/27/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5111.
Comment Date: 5 p.m. ET 5/18/22.
Docket Numbers: ER22–1694–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2022–04–27_SA 3818 Ameren IL-Fulton Wind FSA (J974) to be effective 6/27/2022.
Filed Date: 4/27/22.
Accession Number: 20220427–5243.
Comment Date: 5 p.m. ET 5/18/22.

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 27, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–09453 Filed 5–2–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0666; FRL–9725–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Compression Ignition Internal Combustion Engines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Stationary Compression Ignition Internal Combustion Engines (EPA ICR Number 2196.07, OMB Control Number 2060–0590), 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** (86 FR 8634), on February 8, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 2, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2020–0666, to EPA online using *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be confidential business information or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: 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 Stationary Compression Ignition Internal Combustion Engines (40 CFR part 60, subpart IIII) regulations apply to manufacturers, owners, and operators of new stationary compression ignition internal combustion engines. 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: Form 5900–558.

Respondents/affected entities: Manufacturers, owners, and operators of new stationary compression ignition internal combustion engines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart IIII).

Estimated number of respondents: 207,240 (total).

Frequency of response: Annually.

Total estimated burden: 408,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $48,400,000 (per year), which includes $242,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no significant change in burden from the most-recently approved ICR. The change in burden is primarily due to an increase in the total number of sources and correction of calculation errors in the most-recently approved ICR. First, the number of respondents was updated to reflect new respondents based on continuous growth within the stationary CI engine industry. However, this ICR also corrects errors from the currently-approved ICR, including the number of manufacturers conducting certification recordkeeping and the total number of stationary CI engines. The number of manufacturers conducting certification recordkeeping has been adjusted downwards to reflect that this applies to those engine families for which manufacturers are requesting certification annually. The total number of stationary CI engines is adjusted to reflect growth that was not incorporated in the currently approved ICR, and more accurately reflects the number of respondents submitting an annual report. Due to these adjustments, there is an overall decrease in burden, although the rounded burden hours have not changed from the prior ICR. There was no change in capital costs. This ICR also adjusts the operation and maintenance costs to reflect more accurately the cost assumptions for certification activities, based on documentation from the final rules and as applied to the current estimate of respondents. The overall result is an increase in costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–09411 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9762–01–ORD]

Request for Nominations of Experts to the EPA Office of Research and Development's Human Studies Review Board Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates with expertise in the areas of toxicology, bioethics, and statistics to be considered for appointment to its Human Studies Review Board (HSRB) federal advisory committee. Submission of nominations will be made via the HSRB website at: *https://www.epa.gov/osa/human-studies-review-board.*

DATES: Nominations should be submitted by May 31, 2022, per instructions below.

ADDRESSES: Instructions on how to submit nomination will be provided at the HSRB website at *https://www.epa.gov/osa/human-studies-review-board.*

FOR FURTHER INFORMATION CONTACT: Any member of the public needing additional information regarding this Notice and Request for Nominations may contact Mr. Tom Tracy, Office of Science Policy, Office of Research and Development, Mail Code B343–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; via phone/voice mail at: (919) 541–4334; or via email at: *tracy.tom@epa.gov.* General information concerning the HSRB can be found at the following website: *https://www.epa.gov/osa/human-studies-review-board.*

SUPPLEMENTARY INFORMATION:

Background

On February 6, 2006, the Agency published a final rule for the protection of human subjects in research (71 FR 24 6138) that called for creating a new, independent human studies review board (*i.e.,* HSRB). The HSRB is a federal advisory committee operating in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 § 9 (Pub. L. 92–463). The HSRB provides advice, information, and recommendations to EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols that include human subjects; and (2) reports of completed research with human subjects. Typically, the HSRB reviews protocols and completed studies involving pesticide studies, such as worker exposure studies with agricultural handlers applying pesticides in field conditions; janitorial maintenance personnel applying antimicrobial pesticides in commercial settings; and field efficacy studies for skin applied insect repellent products. The HSRB reports to the EPA Administrator through EPA's Chief Scientist. General information concerning the HSRB, including its charter, current membership, and activities can be found on the EPA website at *https://www.epa.gov/osa/human-studies-review-board.*

HSRB members serve as special government employees or regular government employees. Members are appointed by the EPA Administrator for either two or three year terms with the possibility of reappointment for additional terms, for a maximum of six years of service. The HSRB convenes on average four times a year, with all of the meetings being virtual. The average workload for HSRB members is approximately 20 hours per meeting, including the time spent at the meeting. Responsibilities of HSRB members include reviewing extensive background materials prior to meetings of the Board, preparing draft responses to Agency charge questions, attending Board meetings, participating in the discussion and deliberations at these meetings, drafting assigned sections of meeting reports, and assisting with the finalization of HSRB reports. EPA compensates special government employees for their time and provides reimbursement for travel and other incidental expenses associated with official government business related to the HSRB meetings. EPA values and welcomes diversity. In an effort to

obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups, as well as from a variety of backgrounds (*e.g.,* industry, non-profit organizations, academia, and government).

Candidates not selected for HSRB membership at this time may be considered for HSRB membership as vacancies arise in the future or for service as consultants to the HSRB. Members of the HSRB are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, each nominee will be asked to submit confidential financial information that fully discloses, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The information provided is strictly confidential and will not be disclosed to the public. Before a candidate is considered further for service on the HSRB, EPA will evaluate each candidate to assess whether there is any conflict of financial interest, appearance of a lack of impartiality, or prior involvement with matters likely to be reviewed by the Board.

Nominations will be evaluated on the basis of several criteria, including: Professional background, expertise, and experience that would contribute to the diversity of perspectives of the committee; interpersonal, oral, and written communication skills and other attributes that would contribute to the HSRB's collaborative process; consensus building skills; absence of any financial conflicts of interest or the appearance of a lack of impartiality, or lack of independence, or bias; and the availability to participate in meetings and administrative sessions, participate in teleconferences, develop policy recommendations to the Administrator, and prepare recommendations and advice in reports.

Nominations should include a resume or curriculum vitae providing the nominee's educational background, qualifications, leadership positions in national associations or professional societies, relevant research experience and publications along with a short (one page) biography describing how the nominee meets the above criteria and other information that may be helpful in evaluating the nomination, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate.

To help the Agency in evaluating the effectiveness of its outreach efforts, nominees are requested to inform the Agency of how you learned of this opportunity.

Final selection of HSRB members is a discretionary function of the Agency and will be announced on the HSRB website at *https://www.epa.gov/osa/human-studies-review-board* as soon as selections are made.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2022–09470 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2022–0365 and EPA–HQ–OW–2022–0366; FRL 8310–01–OW]

Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonic Acid (PFOS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: As part of the Environmental Protection Agency's (EPA) commitment to safeguard the environment from per- and polyfluoroalkyl substances (PFAS), the agency is announcing the availability of Clean Water Act (CWA) national ''Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctanoic acid (PFOA)'' and ''Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctane Sulfonic Acid (PFOS)'' for a 30-day public comment period. These draft criteria are a priority action identified in EPA's PFAS Strategic Roadmap and reflect the latest scientific knowledge regarding the effects of PFOA and PFOS on freshwater organisms. These draft criteria have undergone external peer review, and EPA has revised the documents accordingly. When these draft CWA recommended criteria are finalized, they will provide information that states and tribes may consider when adopting water quality standards.

DATES: Comments must be received on or before June 2, 2022.

ADDRESSES:

Docket: EPA has established dockets for these actions under Docket ID No. EPA–HQ–OW–2022–0365 for the ''Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctanoic Acid (PFOA)'' and Docket ID No. EPA–HQ–OW–2022–0366 for the ''Draft Recommended Aquatic Life Ambient Water Quality Criteria for Perfluorooctane Sulfonic Acid (PFOS).'' You may send comments, identified by the Docket ID No. EPA–HQ–OW–2022–0365 for the draft PFOA criteria or Docket ID No. EPA–HQ–OW–2022–0366 for the draft PFOS criteria, through the Federal eRulemaking Portal: *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to *https://www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are open to the public by appointment only to reduce the risk of transmitting COVID–19. Our Docket Center staff also continue to provide remote customer service via email, phone, and webform. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: James Justice, Health and Ecological Criteria Division, Office of Water (Mail Code 4304T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone: (202) 566–0275; or email: *justice.jamesr@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation—Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OW–2022–0365 for the draft PFOA criteria or Docket ID No. EPA–HQ–OW–2022–0366 for the draft PFOS criteria, at *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. 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 the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What are PFOA and PFOS, and how do they affect aquatic life?

PFOA and PFOS are two of the most widely used and studied chemicals in the PFAS group. PFAS have been manufactured and used by a broad range of industries since the 1940s. PFOA and PFOS are not naturally occurring and have no biologically important functions or beneficial properties to aquatic life. The mechanisms underpinning the toxicity of PFOA and PFOS to aquatic organisms, like other PFAS, is an active and on-going area of research. The draft recommended criteria are based on observed effects of PFOA and PFOS to the survival, growth, and reproduction of aquatic organisms. Based on the available ecotoxicity data, aquatic plants are generally less sensitive to PFOA and PFOS than fish and other aquatic life.

III. What are EPA's recommended criteria for PFOA and PFOS in freshwater for the protection of aquatic life?

EPA's draft recommended aquatic life ambient water quality criteria documents provide a critical review of PFOA and PFOS toxicity data, quantify the toxicity of these chemicals to aquatic life, and provide separate PFOA and PFOS criteria to protect aquatic life from the toxic effects of these chemicals. These draft criteria were derived to reflect the latest scientific knowledge using the available data on the toxicological effects of PFOA and PFOS on aquatic life. EPA developed these draft aquatic life ambient water quality criteria following the general approach outlined in EPA's ''*Guidelines for Deriving Numerical Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses.*''

EPA developed the draft PFOA and PFOS criteria to be protective of most aquatic organisms in the community (*i.e.,* approximately 95 percent of tested aquatic organisms representing the aquatic community) and to be protective of aquatic life designated uses established for freshwaters. The draft criteria documents both contain acute and chronic criteria for freshwaters (see Table 1). The draft criteria documents also contain chronic criteria expressed as tissue-based concentrations to protect aquatic life from PFOA and PFOS bioaccumulation (see Table 1 below). The chronic freshwater and chronic tissue criteria for both of these chemicals are intended to be independently applicable and no one criterion takes primacy.

Data limitations did not allow for derivation of PFOA or PFOS national recommended water quality criteria in estuarine/marine waters. However, EPA derived acute estuarine/marine benchmarks through application of a New Approach Method (NAM), using available toxicity data supplemented with modeled estimates of acute toxicity. The acute estuarine/marine benchmarks for PFOA and PFOS are recommendations for states and tribes to consider as protective values in their water quality protection programs.

EPA's draft recommended criteria are the maximum concentrations of PFOA and PFOS (individually, not in mixture), with associated frequency and duration specifications, that will support protection of aquatic life from acute and chronic effects in freshwaters (see Table 1).

TABLE 1—DRAFT RECOMMENDED FRESHWATER AQUATIC LIFE WATER QUALITY CRITERIA FOR PFOA AND PFOS

Criteria component	Acute water column (CMC) [1]	Chronic water column (CCC) [2]	Invertebrate whole-body (mg/kg ww[3])	Fish whole-body (mg/kg ww)	Fish muscle (mg/kg ww)
PFOA Magnitude	49 mg/L	0.094 mg/L	1.11	6.10	0.125
PFOS Magnitude	3.0 mg/L	0.0084 mg/L	0.937	6.75	2.91
Duration	1-hour average	4-day average	Instantaneous.[4]		
Frequency	Not to be exceeded more than once in three years, on average.	Not to be exceeded more than once in three years, on average.	Not to be exceeded more than once in ten years, on average.		

[1] Criterion Maximum Concentration.
[2] Criterion Continuous Concentration.
[3] Wet Weight.
[4] Tissue data provide instantaneous point measurements that reflect integrative accumulation of PFOA or PFOS over time and space in aquatic life population(s) at a given site.

IV. What are CWA national recommended ambient water quality criteria developed by EPA?

Section 304(a)(1) of the CWA directs EPA to develop and publish and, from time to time, revise criteria for water quality accurately reflecting the latest scientific knowledge. Water quality criteria developed under CWA Section 304(a) are based solely on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. CWA Section 304(a) recommended criteria do not reflect consideration of economic impacts or the technological feasibility of meeting pollutant concentrations in ambient water.

Under the CWA and its implementing regulations, states and authorized tribes are to adopt water quality criteria to protect designated uses (*e.g.,* aquatic life, recreational use). CWA Section 304(a) recommended criteria provide guidance to states and authorized tribes in adopting water quality standards that ultimately provide a basis for controlling discharges of pollutants. Standards consist of designated uses, water quality criteria to protect those uses, a policy for antidegradation, and may include general policies for application and implementation. EPA CWA Section 304(a) water quality criteria recommendations are not regulations and do not constitute legally binding requirements. States and authorized tribes may adopt other scientifically defensible water quality criteria that differ from these recommendations. CWA Section 303(c)(1) requires states and authorized tribes to review and modify, if appropriate, their water quality standards at least once every three years. Consistent with EPA regulations 40 CFR 131.11, protective criteria must be based on a sound scientific rationale and contain sufficient parameters or constituents to protect the designated

uses. Criteria may be expressed in either narrative or numeric form. When states and authorized tribes adopt numeric water quality criteria, those criteria should be based on (1) recommended CWA Section 304(a) criteria; (2) CWA Section 304(a) criteria modified to reflect site-specific conditions; or (3) other scientifically defensible methods. Alternatively, states and authorized tribes may adopt narrative criteria or criteria based upon biomonitoring methods where numeric criteria cannot be established or to supplement numeric criteria.

Radhika Fox,

Assistant Administrator.

[FR Doc. 2022–09441 Filed 5–2–22; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice EIB–2022–0001]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP089448XX & AP089448XA

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This Notice is to inform the public the Export-Import Bank of the United States (''EXIM'') has received an application for final commitments for aggregated long-term loans or financial guarantees in excess of $100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on these Transactions.

DATES: Comments must be received on or before May 31, 2022 to be assured of consideration before final consideration of the transactions by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2022–0001 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2022–0001 on any attached document.

SUPPLEMENTARY INFORMATION:

Reference: AP089448XX & AP089448XA.

Purpose and Use:

Brief description of the purpose of the transactions: To support the export of U.S.-manufactured commercial aircraft to South Korea.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for passenger air transport between South Korea and other countries within Asia.

To the extent that EXIM is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: Korean Air Lines Co., Ltd.

Guarantor(s): N/A.

Description of Items Being Exported: Boeing commercial jet aircraft.

Information on Decision: Information on the final decision for these transactions will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2022–09460 Filed 5–2–22; 8:45 am]

BILLING CODE 6690–01–P

GENERAL SERVICES ADMINISTRATION

[Notice BSC–RPM–2022–01; Docket No. BSC–RPM–2022–0002; Sequence 1]

Business Standards Council Review of Real Property Management (RPM) Federal Integrated Business Framework Draft Level 2 Business Use Cases: Request for Public Comment

AGENCY: Office of Government-wide Policy; General Services Administration (GSA).

ACTION: Request for public comment.

SUMMARY: This notice informs the public of the opportunity to provide input on the proposed Real Property Management business use cases that have been created in support of Federal shared services. This input will be used in formulation of business standards for Federal real property management.

DATES: *Comments due:* Interested parties should submit comments via the method outlined in the **ADDRESSES** section on or before June 2, 2022.

ADDRESSES: Submit comments in response to Notice BSC–RPM–2022–01 by *Regulations.gov*: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice BSC–RPM–2022–01''. Select the link ''Comment Now'' that corresponds with ''Notice BSC–RPM–2022–01''. Follow the instructions provided at the screen. Please include your name, company name (if any), and ''Notice BSC–RPM–2022–01'' on your attached document.

- *Instructions:* Please submit comments only and cite ''Notice BSC–RPM–2022–01,'' in all correspondence related to this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Chris Coneeney, Real Property Policy Division Director, at 202–208–2956, or by email at *chris.coneeney@gsa.gov.*

SUPPLEMENTARY INFORMATION: On April 26, 2019, the Office of Management and Budget published OMB memorandum 19–16, Centralized Mission Support Capabilities for the Federal Government (available at *https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf*). Mission support business standards, established and agreed to by agencies, using the Federal Integrated Business Framework (FIBF) website at *https://ussm.gsa.gov/fibf/,* enable the Federal Government to better coordinate on the decision-making needed to determine what can be adopted and commonly shared. These business standards are an essential first step towards agreement on outcomes, data, and cross-functional end to end processes that will drive economies of scale and leverage the government's buying power. The business standards will be used as the foundation for common mission support services shared by Federal agencies.

GSA serves as the Real Property Management (RPM) business standards lead on the Business Standards Council (BSC). The goal of the RPM business standards is to drive real estate management consistency, equity, and standardization across the Federal government. The RPM business use cases document the key activities, inputs, outputs, and other functional areas intersections.

GSA is seeking public feedback on these draft business cases, including

comments on understandability of the standards, suggested changes, and usefulness of the draft standards to industry and agencies.

Guiding questions in standard development include:

- Do the draft business standards appropriately document the business processes covered?
- Are the draft business standards easy to understand?
- Will your organization be able to show how your solutions and/or services can meet these draft business standards?
- What would you change about the draft business standards? Is there anything missing?

Comments will be used in formulation of the final business standards.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2022–09423 Filed 5–2–22; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CK–21–001SUPP, US Travelers Health Research, Surveillance, Communication and Outreach Network.

Date: June 3, 2022.

Time: 10:00 a.m.–5:00 p.m., EDT.

Place: Teleconference, Centers for Disease Control and Prevention, Room 1080, 8 Corporate Square Boulevard, Atlanta, Georgia 30329.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329–4027, (404) 718–8833, *ganderson@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–09494 Filed 5–2–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panels (SEP)—CDC–RFA–CK22–2204, US Public Health Pathogens Genomics Centers of Excellence.

Dates: July 27–28, 2022

Times: 10:00 a.m.–5:00 p.m., EDT.

Place: Teleconference, Centers for Disease Control and Prevention, Room 1080, 8 Corporate Square Boulevard, Atlanta, Georgia 30329.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329–4027, (404) 718–8833, *ganderson@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–09493 Filed 5–2–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Healthcare Infection Control Practices Advisory Committee (HICPAC). This virtual meeting is open to the public, limited only by the number of audio and web conference lines (300 audio and web conference lines are available). Time will be available for public comment. Registration is required.

DATES: The meeting will be held on June 2, 2022, from 12:00 p.m. to 2:30 p.m., EDT.

ADDRESSES: To register for this web conference, please go to: *www.cdc.gov/hicpac.* All registered participants will receive the meeting link and instructions shortly before the meeting. Please click the link below to join the webinar: *https://cdc.zoomgov.com/*

webinar/register/WN_YfMgXEbaQQ6OGOiVHIA5pA.

Meeting ID: 161 839 6503.

Passcode: 31085109.

FOR FURTHER INFORMATION CONTACT: Sydnee Byrd, M.P.A., Program Analyst, HICPAC, Division of Healthcare Quality Promotion (DHQP), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), CDC, 1600 Clifton Road NE, Mailstop H16–3, Atlanta, Georgia 30329–4027, Telephone: (404) 718–8039; Email: *HICPAC@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Committee is charged with providing advice and guidance to the Director, DHQP; the Director, NCEZID; the Director, CDC; and the Secretary, Department of Health and Human Services, regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters to be considered: The agenda will include the following updates: The Healthcare Personnel Guideline Workgroup; Isolation Precautions Guideline Workgroup; and Neonatal Intensive Care Unit Workgroup. Agenda items are subject to change as priorities dictate.

Public Participation

Oral Public Comment: Time will be available for public comment. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Please note that the public comment period may end before the time indicated, following the last call for comments.

Written Public Comment: The public may submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed above. The deadline for receipt of written public comment is May 23, 2022. All requests must contain the submitter's name, address, and organizational affiliation, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length. Written comments received in advance of the meeting will be included in the official record of the meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–09495 Filed 5–2–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0166]

Submission for OMB Review; National Directory of New Hires

AGENCY: Office of Child Support Enforcement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), is requesting the federal Office of Management and Budget (OMB) to approve the National Directory of New Hires (NDNH), with minor changes to the Multistate Employer Registration form, for an additional three years. The current OMB approval expires July 31, 2022.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The NDNH is a federally mandated repository of employment and wage information. The information maintained in the NDNH is collected electronically and is used for authorized purposes. State child support agencies use the NDNH information to locate a parent living or working in a different state and to take appropriate interstate actions to establish, modify, or enforce a child support order. NDNH information is also used for authorized purposes by specific state and federal agencies to help administer certain programs, prevent overpayments, detect fraud, assess benefits, and recover funds, as provided under 42 U.S.C. 653(i)(1).

Respondents: Employers, State Child Support Agencies, and State Workforce Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average annual burden hours per response	Total annual burden hours
New Hire: Employers Reporting Manually	5,411,180	1.29	.025	174,510.56
New Hire: Employers Reporting Electronically	664,757	94.77	.00028	17,639.73
New Hire: States	54	129,629.63	.017	119,000.00
Quarterly Wage (QW) & Unemployment Insurance (UI)	53	28.00	.00028	0.42
Multistate Employer Registration Form	1,118	1.00	.05	55.90

Estimated Total Annual Burden Hours: 311,207.

Authority: 42 U.S.C. 653A(b)(1)(A) and (B); 42 U.S.C. 653A(g)(2)(A); 26 U.S.C. 3304(a)(16)(B); 42 U.S.C.

503(h)(1)(A); and 42 U.S.C. 653A(g)(2)(B).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–09461 Filed 5–2–22; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; of the One Protection and Advocacy Annual Program Performance Report OMB #0985–0063

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to the information collection requirements of the One Protection and Advocacy Annual Program Performance Report.

DATES: Submit written comments on the collection of information by June 2, 2022.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Ophelia McLain, (202) 795–7401 or Email *ophelia.mclain@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: This is a revision to a currently approved information collection (IC) the Protection and Advocacy One Program Performance Report (PPR). The One PRR is comprised of four required annual reports as follows: (1) Developmental Disabilities Protection and Advocacy Systems Program Performance Report, (2) Protection and Advocacy for Assistive Technology (PAAT) Program Performance Report; (3) Protection and Advocacy Voting Access Annual Report (Help America Vote Act) (HAVA); and (4) Protection and Advocacy for Traumatic Brain Injury (PATBI) Program Performance Report.

Each P&A submits using the One-PPR one report for each of the four funding sources administered by ACL. As with each funding source, there is a reporting requirement. The revision under this clearance includes information collection based on funding from the Centers for Disease Control and Prevention to increase access to COVID–19 vaccines (ACCESS) and funding under Section 2501 of the American Rescue Plan Act of 2021 (Pub. L. 117–2) to expand the Public Health Workforce (PHWF) provided under). In an effort to reduce the burden on the P&As, each will continue to submit one report for all funding sources; however, as of FY2022, the report will incorporate the activities undertaken for the ACCESS and PHWF funding by creating a new goal or priority in Part 2C and adding the narrative in Part 2.C.4 (Rationale for Adding/Changing Goal) or 2.C.5 (Rationale for Adding/Changing Priority). The guidance document provides a description of the data elements to be included in this section of the One-PPR template.

State Protection and Advocacy (P&A) Systems in each State and Territory provide individual legal advocacy, systemic advocacy, monitoring, and investigations to protect and advance the rights of people with developmental disabilities, using funding administered by the Administration on Disabilities (AoD), Administration for Community Living, HHS. To meet statutory reporting requirements, P&As use these forms for submitting annual reports.

The PPRs are reviewed by federal staff for compliance and outcomes. Information in the reports is analyzed to create a national profile of programmatic compliance, outcomes, and goals and priorities for P&A Systems for tracking accomplishments against goals and to formulate areas of technical assistance related to compliance with Federal requirements. Information collected informs AoD of trends in P&A advocacy, facilitate collaboration with other federally funded entities, and identify best practices for the efficient use of federal funds.

Additionally, the information is used to provide a national perspective on where the program is going (prospective view), and to provide a gage for program accomplishments against program objectives for purposes of identifying continuing challenges and formulating technical assistance and management support provided to P&A systems.

Comments in Response to the 60-Day Federal Register Notice

The 60-day notice **Federal Register**, *Vol. 87, No. 26 7182* FRN was published on *February 8, 2022.* ACL received 32 comments from 7 entities in response to the 60-day notice. Comments included concerns relating to demographic information, burden of effort, estimate of the developmental disabilities' population, and clarification needed in the guidance document. ACL's responses to these comments are included below.

Organization	Section	Comment	Response
Disability Rights Maine	1C	Noted demographic information collected could be improved to better reflect diversity and cultural competency. The current choices are male and female. Recommended including a broad range of gender identify options. In addition, there is limited information on racial and ethnic diversity of individuals served. Recommended including whether a person is part of an immigrant community.	ACL intends to update this element to reflect appropriate options.
Disability Rights Maine	Part 3	Recommended including additional demographic information about the board, staff, and advisory council, similar to recommendations for 1C.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Maine	None	Burden of hours of 140 to compile the One-PPR is correct; however, this estimate does not include the amount of time spent by staff to collect and input required information in its case management system.	As a result of the required information, no changes will be made at this time.

Organization	Section	Comment	Response
Disability Rights Michigan	None	The amount of time spent for this report is cumbersome, unnecessarily duplicative, and feels unconnected to the overall ''why''. The team of four spent 203 hours over 3 months to complete the report. The time and resources required to complete this report would be better spent serving clients. Additionally, the data reporting requirements also interact with this P&A's timekeeping and accounting systems, creating additional reporting complexity for grant projects. Recommended requesting information similarly to the PAIR report.	As a result of the required information, no changes will be made at this time.
Disability Rights Michigan	1A	This comment relates to 1A–I, 1J–P, 2A, 3A, 3B, 3C–J. The number of people served, cases closed, cases opened, people impacted, and other categories are reported in six sections of the report. The data reporting is duplicative and confusing.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Michigan	1C	Gender reporting is currently limited to male and female. Recommended expanding the choice to create a truer description of the gender identities of the people served.	ACL intends to update this element to reflect appropriate options.
Disability Rights New York	1C	This section requires reporting on the gender of individuals serviced. The current choices are male and female. P&As across the nation proudly support LGBTQ people with disabilities. Recommended permitting a broader array of responses, which would result in a negligible increase in the reporting burden on the P&As. However, it would make a marked difference in the ability of P&As to collect and report accurate and affirming gender demographic information.	ACL intends to update this element to reflect appropriate options.
Disability Rights Pennsylvania		Commend ACL and NDRN for the important work and vital support and guidance provided. Would like One-PPR streamlined so as not to divert time to reporting that could be spent on substantive work and to provide information that is more understandable, straightforward, and useful to the government and the public.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	1L	Most group cases are not focused on specific living arrangements or ages, creating confusion as to whether multiple living arrangements or ages should be chosen.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	1O	Most group cases are not focused on specific living arrangements or ages, creating confusion as to whether multiple living arrangements or ages should be chosen.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	1P	Seeks information about ''race/ethnicity of groups served'' but noted that the information is included in IJ6.	The guide has been updated.
Disability Rights Pennsylvania	2A	This reflects goals and priorities for the completed fiscal year; unfortunately, the result is not a reader-friendly report. The result narratives are effectively limited to activities that have quantifiable outcomes based on the performance measurements, which are not sufficiently comprehensive. Additionally, ''end outcomes'' and ''performance measures'' are viewed as the same.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	Part 3	The term ''performance measurements'' is confusing when it appears to mean ''end outcomes''. Eleven end outcomes/performance measures are in some ways repetitive and in many ways not comprehensive.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	3A	Reporting on end outcomes for systemic litigation, educating policy makers, and other systemic activities is challenging because it does not really allow P&A to avoid duplication.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	3B	One-PPR asks for the number of people whose rights were advanced through class or system-impact litigation and for people whose rights were enforced, protected, or restored by non-litigation group activities. There is a potential for duplication due to data requested in 3A.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	2D	Information in this section is the same from year-to-year so it is unclear why it needs to be repeated annually.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	Part 5	This section requires the P&A to identify collaboration partners, but it is unclear what constitutes a collaboration partner.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania	6C	This section asks for information on the number of Board members who are primary or secondary PADD, PATBI, PAIMI, PAIR, or PABSS consumers and who are AT users. Some board members may fall into more than one category but the P&A can only choose to put them in one category. This information is not an accurate reflection of consumer involvement in the Board.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Pennsylvania		On page 20 of Guide, the number of clients for PADD can never exceed 1.58% of a state's population, yet the DD population almost certainly exceed 1.58%. Recommended updating this figure or allowing each P&A to calculate based on their jurisdiction.	While the 1.58% has not been changed, a clarifying sentence was added to the guide.
Disability Rights Pennsylvania	None	Recommended reconsidering the definition of ''individual advocacy''	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1B	Recommended removing problems and subproblems used infrequently	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1E	Noted #1 and #2 are not mutually exclusive. Concerned about the way in which fully and partially met goals are categorized. Recommended combining #8 and #9.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	1P	Recommended revising instructions relating to how group projects should be counted, to provide clarity.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	Part 2	Noted it is time-consuming to provide narrative for each example. Recommended allowing for more broad discussion on goals and priorities and eliminate quantitative measures.	As a result of the required information, no changes will be made at this time.
Disability Rights Wisconsin	Part 3	Noted small differences in performance measures. Recommended changing performance measures in Part 3D; 3F; 3G; and 3H. Additional instructions are needed in Guide.	Upon review of the current PPRs, no changes will be made at this time.
Disability Rights Wisconsin	Part 3.C	Considered #3 duplicative of Part 1E	Upon review of the current PPRs, no changes will be made at this time.

Organization	Section	Comment	Response
Disability Rights Wisconsin	None	Noted that report is extremely time consuming since data and narratives are requested in different ways. One-PPR attempts to quantify result of P&A work, but it does not do enough to ensure that numbers reported have an understandable meaning. Additionally, there is little guidance on what numbers should be used for various types of activities. However, even if this guidance was thorough, there is too much to report on.	As a result of the required information, no changes will be made at this time.
Family & Friends of Care Facility Residents.	None	Reporting of use of public funds to the administering agency by federal grantees is necessary. Accurate, non-partisan reporting by the protection and advocacy systems must be foundational for ACL. As the administering agency, ACL must assure accountability for the proper use of federal funds from the programs for which it is responsible. ACL's responsibilities include oversight of the activities of four programs created under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act): (1) Protection and Advocacy System for Persons with Developmental Disabilities (PADD), (2) State Councils on Developmental Disabilities (CDD), (3) University Centers for Excellence in Developmental Disabilities (UCEDD) and (4) Projects of National Significance (PNS).	No changes were recommended.
Family & Friends of Care Facility Residents.		DD Act programs operate in every state. Accurate reporting to ACL by the four DD Act programs, including protection and advocacy systems for persons with developmental disabilities (PADD) is fundamental in meeting accountability requirements for programs receiving federal funds. It is necessary that the administering agency (ACL) understand PADDs' goals, activities and outcomes for the nation's diverse populations with developmental disabilities, the situations of their families and the range of services offered by states. The impact of PADD's activities on families of persons with disabilities and the states' human service systems have not been accurately reported. The report forms used by PADD do not transmit the information of vulnerable people living with lifelong disabilities and of federal grant programs which use litigation as a tool to eliminate long-term care facilities for citizens unable to care for themselves (PADD's ''systems change'' goals). Further, it is not a requirement of PADD to submit data in their reports to ACL on mortality and sentinel events (911 calls or ER visits) of citizens with cognitive and developmental disabilities. See for example the deaths of vulnerable residents in GA and VA following their forced transitions from long-term care facilities.	Upon review of the current PPRs, no changes will be made at this time.
Family & Friends of Care Facility Residents.	None	Persons who are impacted by ACL policies and DD Act program activities, including P&As have been excluded from policymaking by the agency. ACL last held public hearings (''Listening Sessions'') in 2010. The nearest ACL Listening Session to Arkansas families was in Dallas, Texas and three of our family members attended. Our experience was that families of persons with high-needs-care and who receive services in a long-term care facility were excluded from Day Two of the listening session. Despite our request (submitted in writing to ACL) to come to DC to participate in the agency's strategic planning sessions, we were not notified or invited. Later, we found the published reports of the listening sessions to be inaccurate and highly partisan.	No changes were recommended.
Family & Friends of Care Facility Residents.	None	Simple forms with boxes to check are insufficient to accurately and fully report the diverse and complex realities of the population with developmental disabilities to ACL. Health and safety of persons unable to care for themselves who are nonverbal and for whom there is no cure, their aging primary caregivers, the lack of specialized, licensed long-term care facilities for persons with cognitive and developmental disabilities, and the use of jails and hospitals as emergency placements for high-needs persons are but some of the information which ACL should be receiving.	Upon review of the current PPRs, no changes will be made at this time.
National Disability Rights Network.	1C	The choices for the gender demographic question, nor the two answers appropriately reflect the time in which we live. It is not uncommon for P&A staff to feel constrained by the traditional definitions of female and male. Recommended broadening the choices to: Male, Female, Not Listed, Choose Not to Answer.	ACL intends to update this element to reflect appropriate gender identity options.

Estimated Program Burden: The following table summarizes the burden hour estimate for this information collection:

Number of states	Number of responses per state	Average burden hours per state	Total hours
57	1	128	7,296

The estimates of annual burden to the States vary in accordance with the size, program complexity, and technological capacity of the States. The annual burden on this form is estimated to be 128 hours.

PPR	Annual hours estimate (based on previous OMB burden estimates
PADD	90
PAAT	16
PATBI	16
HAVA	20
ONE PPR	128

Dated: April 26, 2022.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2022–09422 Filed 5–2–22; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0084]

Use of Circulating Tumor Deoxyribonucleic Acid for Early-Stage Solid Tumor Drug Development; 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 Circulating Tumor DNA for Early-Stage Solid Tumor Drug Development.'' This draft guidance is intended to help sponsors planning to use circulating cell-free plasma derived tumor deoxyribonucleic acid (ctDNA) as a biomarker in cancer clinical trials conducted under an investigational new drug application (IND) and/or to support marketing approval of drugs and biological products for treating solid tumor malignancies in the early-stage setting.

DATES: Submit either electronic or written comments on the draft guidance by July 5, 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–2022–D–0084 for ''Use of Circulating Tumor DNA for Early-Stage Solid Tumor Drug Development.'' 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 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 or Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, 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: Julia Beaver, Center for Drug Evaluation and Research, Food and Drug Administration, 10993 New Hampshire Ave., Silver Spring, MD 20993–0002, 240–402–0489; or Stephen Ripley, Center of Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240–402–7911; or Soma Ghosh, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, Rm. 3320, Silver Spring, MD 20993–0002, 240–402–5333, *CDRHClinicalEvidence@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Use of Circulating Tumor DNA for Early-Stage Solid Tumor Drug Development.'' This draft guidance is intended to help sponsors planning to use circulating cell-free plasma derived tumor ctDNA as a biomarker in cancer clinical trials conducted under an IND and/or to support marketing approval of drugs and biological products for treating solid tumor malignancies in the early-stage setting.

Certain patients with early-stage solid tumors can be cured with local therapy alone (*e.g.,* surgery, radiation, or chemoradiation), other patients require (neo)adjuvant systemic therapy in order to be cured, and others may progress to metastatic disease despite surgery and/or systemic therapy. ctDNA is tumor-derived fragmented DNA shed into a patient's bloodstream that is not associated with cells. ctDNA quantity can vary among individuals and depends on the type of tumor, location, stage, tumor burden, and response to therapy. ctDNA as a biomarker has a number of potential regulatory and clinical uses in the early-stage setting that may assist and expedite drug development. In the early-stage cancer setting, ctDNA may be used to detect a certain targetable alteration, to enrich a high- or low-risk population for study in a trial, to reflect a patient's response to treatment, or, potentially, as an early marker of efficacy.

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 Circulating Tumor DNA for Early-Stage Solid Tumor Drug Development.'' 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 parts 50 and 56 have been approved under OMB control number 0910–0130; the collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; the collections of information in 21 CFR part 800 have been approved under OMB control number 0910–0625 and the collections of information pertaining to submission of a biologics license application under section 351(k) of the Public Health Service Act (42 U.S.C. 262(k)) have been approved under OMB control number 0910–0719.

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/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances*, *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products*, *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*, or *https://www.regulations.gov*.

Dated: April 26, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–09459 Filed 5–2–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4465]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Administrative Detention and Banned Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 2, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. All comments should be identified with the OMB control number 0910–0114. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–45, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Administrative Detention and Banned Medical Devices

OMB Control Number 0910–0114—Extension

FDA has the statutory authority under section 304(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 334(g)) to detain during established inspections devices that are believed to be adulterated or misbranded. Section 800.55 (21 CFR 800.55), on administrative detention, includes among other things certain reporting requirements (§ 800.55(g)(1) and (2)) and recordkeeping requirements (§ 800.55(k)). Under § 800.55(g), an appellant of a detention order must show documentation of ownership if devices are detained at a place other than that of the appellant. Under § 800.55(k), the owner or other responsible person must supply records about how the devices may have become adulterated or misbranded, in addition to records of distribution of the detained devices. These recordkeeping requirements for administrative detentions permit FDA to trace devices for which the detention period expired before a seizure is accomplished or injunctive relief is obtained.

FDA also has the statutory authority under section 516 of the FD&C Act (21 U.S.C. 360f) to ban devices that present substantial deception or an unreasonable and substantial risk of illness or injury. Section 895.21 (21 CFR 895.21), on banned devices, contains certain reporting requirements. Section 895.21(d) describes the procedures for banning a device when the Commissioner of Food and Drugs (the Commissioner) decides to initiate such a proceeding. Under 21 CFR 895.22, a manufacturer, distributor, or importer of a device may be required to submit to FDA all relevant and available data and information to enable the Commissioner to determine whether the device presents substantial deception, unreasonable and substantial risk of illness or injury, or unreasonable, direct, and substantial danger to the health of individuals.

In the **Federal Register** of November 22, 2021 (86 FR 66315), we published a 60-day notice requesting public comment on the proposed collection of information. One comment was received communicating general support for the information collection. Although the comment suggested the Agency's burden estimate may be too low, no figures were provided.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Administrative detention reporting requirements—800.55(g) and (h)	1	1	1	25	25
Banned devices reporting requirements—895.21(d)(8) and 895.22(a)	26	1	26	16	416
Total					441

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Records regarding device adulteration or misbranding and records of distribution of detained devices—800.55(k)	1	1	1	20	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

During the past several years, there has been an average of less than one new administrative detention action per year. Each administrative detention will have varying amounts of data and information that must be maintained.

Administrative Detention Reporting—§ 800.55(g)(1) and (2): A person who would be entitled to claim the devices, if seized, may appeal a detention order by submitting a written request to the FDA District Director in whose district the devices are located. This written appeal could include a request for an informal hearing as defined in section 201(y) of the FD&C Act (21 U.S.C. 321(y)). In some cases, the appellant must include documents showing that that person has the legal right to appeal this order.

Movement of Detained Devices—§ 800.55(h)(2): If detained devices are not in final form for shipment, the manufacturer may move them within the establishment where they are detained to complete the work needed to put them in final form. As soon as the devices are moved for this purpose, the individual responsible for their movement shall orally notify the FDA representative who issued the detention order, or another responsible district office official, of the movement of the devices. As soon as the devices are put in final form, they shall be segregated from other devices, and the individual responsible for their movement shall orally notify the FDA representative who issued the detention order, or another responsible district office official, of their new location. The devices put in final form shall not be moved further without FDA approval.

Administrative Detention Recordkeeping—§ 800.55(k): The firm shall have, or establish, and maintain records relating to how the detained devices may have become adulterated or misbranded, records on any distribution of the devices before and after the detention period, records on the correlation of any in-process detained devices that are put in final form, records of any changes in, or process of, the devices permitted under the detention order, and records of any movement of the detained devices.

Procedures for Banned Devices Informal Hearing Request—§ 895.21(d)(8): Section 895.21(d) describes the procedures for banning a device when the Commissioner decides to initiate such a proceeding. Under § 895.21(d), the Commissioner may decide to initiate a proceeding to make a device a banned device. In that event, any interested persons may submit written comments and request an informal hearing within 30 days after the date of the publication of the proposed regulation.

Banned Devices Reporting—§ 895.22(a): A manufacturer, distributor, or importer of a device may be required to submit to FDA all relevant and available data and information to enable the Commissioner to determine whether the device presents substantial deception, unreasonable and substantial risk of illness or injury, or unreasonable, direct, and substantial danger to the health of individuals.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: April 27, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–09455 Filed 5–2–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0125]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by June 2, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or

by using the search function. The OMB control number for this information collection is 0910–0775. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007

OMB Control Number 0910–0775—Extension

The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. Tobacco products are governed by chapter IX of the FD&C Act (sections 900 through 920) (21 U.S.C. 387 through 21 U.S.C. 387u). Section 910 of the FD&C Act (21 U.S.C. 387j) provides for the submission of applications for review of certain tobacco products. New tobacco products are those products, including those products in test markets, not commercially marketed in the United States as of February 15, 2007, or where the modified tobacco product was commercially marketed in the United States after February 15, 2007 (section 910(a)(1) of the FD&C Act).

To assist new tobacco product manufacturers with requirements in section 910 of the FD&C Act, we developed the guidance document entitled, ''Establishing That a Tobacco Product Was Commercially Marketed in the United States as of February 15, 2007'' (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/establishing-tobacco-product-was-commercially-marketed-united-states-february-15-2007*). The guidance provides information on how a manufacturer may establish that a tobacco product was commercially marketed in the United States as of February 15, 2007. The guidance includes a description of the types of evidence FDA recommends that the manufacturer submit to demonstrate that a tobacco product was commercially marketed in the United States as of February 15, 2007. Examples of such information may include, but are not limited to, the following: Dated copies of advertisements, dated catalog pages, dated promotional material, and dated bills of lading. The guidance also provides instruction on how to submit a request for a Pre-Existing Tobacco Product status review (Section III.B.).[1]

As discussed in the guidance, electronic submission is not required, although we strongly encourage electronic submission via FDA's Electronic Submissions Gateway (ESG) using FDA's eSubmitter tool. FDA's ESG system requires users to apply for a free account before submitting data, a process which can take 1 to 3 weeks to complete. Once approved, the user can send all submissions to CTP using the eSubmitter tool and FDA ESG. Instructions on obtaining an ESG account are available at *https://www.fda.gov/industry/electronic-submissions-gateway/create-esg-account.* Alternatively, respondents can mail submissions to FDA, as instructed in the guidance.

In the **Federal Register** of December 9, 2021 (86 FR 70139), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity; guidance document Sec. III.B	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Submit evidence of commercial marketing in the United States as of February 15, 2007	1,000	1	1,000	5	5,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's estimate of the number of respondents is based on the fact that submissions are voluntary and also on the pre-existing status of a tobacco product submissions received. The number of hours to gather the evidence is FDA's estimate of how long it might take a manufacturer to review, gather, and submit dated information if making a request for Agency determination.

FDA further estimates it would take a manufacturer approximately 5 hours to put together this collection of evidence and to submit the package to FDA for review. FDA estimates that it would take approximately 5,000 hours annually to respond to this collection of information.

Dated: April 27, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–09434 Filed 5–2–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–4428]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medicated Feed Mill License Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is

[1] FDA changed the term from ''grandfathered tobacco product'' to ''Pre-Existing Tobacco Product'' in the recently published final SE (86 FR 55224) and PMTA (86 FR 55300) rules because it more appropriately describes these products by using the more precise term ''Pre-Existing'' in place of ''grandfathered.''

announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by June 2, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0337. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medicated Feed Mill License Application—21 CFR Part 515

OMB Control Number 0910–0337—Extension

Feed manufacturers that seek to manufacture a Type B or Type C medicated feed using Category II, Type A medicated articles or manufacture certain liquid and free-choice feed using Category I, Type A medicated articles that must follow proprietary formulas or specifications, are required to obtain a facility license under section 512 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b). Our regulations in 21 CFR part 515 establish the procedures associated with applying for a facility license. We require that a manufacturer seeking a facility license submit a completed medicated feed mill license application using Form FDA 3448 (21 CFR 515.10(b)). We use the information submitted to establish that the applicant has made the certifications required by section 512 of the FD&C Act, to register the mill and to schedule a preapproval inspection.

We require the submission of a supplemental medicated feed mill license application for a change in facility ownership or a change in facility address (§ 515.11(b) (21 CFR 515.11(b))). If a licensed facility is no longer manufacturing medicated animal feed under § 515.23 (21 CFR 515.23), a manufacturer may request voluntary revocation of a medicated feed mill license. An applicant also has the right to file a request for hearing under § 515.30(c) (21 CFR 515.30(c)) to give reasons why a medicated feed mill license should not be refused or revoked.

Under § 510.305 (21 CFR 510.305) we require each applicant to maintain in a single accessible location: (a) A copy of the approved medicated feed mill license (Form FDA 3448) on the premises of the manufacturing establishment; and (b) approved or index listed labeling for each Type B and/or Type C feed being manufactured on the premises of the manufacturing establishment or the facility where the feed labels are generated.

In the **Federal Register** of January 28, 2022 (87 FR 4620), FDA published a 60-day notice requesting public comment on the proposed collection of information. Although two comments were received, the comments were not responsive to the four collection of information topics solicited.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section and activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Medicated Feed Mill License Application using Form FDA 3448 (§ 515.10(b)).	5	1	5	0.25 (15 minutes)	1.25
Supplemental Feed Mill License Application using Form FDA 3448 (§ 515.11(b)).	14	1	14	0.25 (15 minutes)	3.5
Voluntary Revocation of Medicated Feed Mill License (§ 515.23)	15	1	15	0.25 (15 minutes)	3.75
Filing a Request for a Hearing on Medicated Feed Mill License (§ 515.30(c)).	1	1	1	4	4
Total					12.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section and activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of Records for Approved Labeling for Each ''Type B'' and ''Type C'' Feed (§ 510.305).	795	1	795	0.03 (2 minutes)	24

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall decrease of 17 hours and a corresponding decrease of 105 responses/records. We attribute this adjustment to a decrease in the number of submissions we received over the last few years.

Dated: April 27, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–09462 Filed 5–2–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0557]

Psychopharmacologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Psychopharmacologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on June 17, 2022, from 8:45 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2022–N–0557. The docket will close on June 16, 2022. Submit either electronic or written comments on this public meeting by June 16, 2022. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 16, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of June 16, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before June 3, 2022, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–N–0557 for ''Psychopharmacologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Joyce Frimpong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7973, Fax: 301–847–8533, email: *PDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the

advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss supplemental new drug applications 210793–s008 and 207318–s011, efficacy supplement resubmission for NUPLAZID (pimavanserin) tablets, submitted by Acadia Pharmaceuticals Inc., for the proposed treatment of hallucinations and delusions associated with Alzheimer's disease psychosis.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before June 3, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 2 p.m. and 3 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before May 25, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by May 26, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Frimpong (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 27, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–09433 Filed 5–2–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Statement of Organization, Functions, and Delegations of Authority

AGENCY: SAMHSA, HHS.

ACTION: Notice.

SUMMARY: The Substance Abuse and Mental Health Services Administration has modified its structure. This new organizational structure was approved by the Deputy Secretary of Health and Human Services and effective on April 14, 2022.

FOR FURTHER INFORMATION CONTACT: Robert T. Atanda, Ph.D., Director, Division of Management Services, Office of Management, Technology, and Operations, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 12E49, 5600 Fishers Lane, Rockville, MD 20857, Phone: 240–276–2826.

Part M of the Substance Abuse and Mental Health Services Administration (SAMHSA) Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) at 73, Number 147, pages 44274–44275, July 30, 2008, is amended to reflect the new functional statement for the Office of the Assistant Secretary for Mental Health and Substance Use (OAS). This notice identifies a new Office of 988 and Behavioral Health Crisis Coordination (988) and Office of Recovery (OR). This change allows innovative prevention implementation. The changes are as follows:

Section M.20, Functions is amended as follows:

The functional statement for the Office of the Assistant Secretary is amended to name a new Office of 988 and Behavioral Health Crisis Coordination (988) and Office of Recovery (OR). The functional statement for each office is as follows:

Office of 988 and Behavioral Health Crisis Coordination

(1) 988 (988 is the dialing code for the National Suicide Prevention Lifeline) provides leadership in planning, implementing, and evaluating the office's goals, priorities, policies, and programs, and is the focal point for the Department's efforts on 988 and Behavioral Health Crisis Coordination; (2) plans, directs, and provides overall administration of the programs of the office; (3) conducts and coordinates office interagency, interdepartmental, and intergovernmental activities; (4) provides information to the public and constituent organizations on 988 and Behavioral Health Crisis Coordination activities; (5) maintains liaison with national organizations, other Federal departments/agencies, and with other SAMHSA Centers and Offices; (6) administers internal and external committee management (7) conducts services quality and financing activities and coordinates these activities with other components in SAMHSA; and (8) works with SAMHSA's Labor and Employee Relation staff to monitor the conduct of equal employment opportunity activities of the Office of 988 and Behavioral Health Crisis Coordination.

Office of Recovery

Recovery from substance use and/or mental health disorders is a life journey that allows individuals to change by improving their health and wellness. The Office of Recovery (OR): (1) Provides leadership in the identification of new and emerging issues related to recovery support services in major SAMHSA programs (2) provides leadership, coordination, and direction in the development and implementation of the Office of Recovery goals and priorities, and serves as the focal point for the Department's efforts on recovery support services; (3) plans, directs, and provides overall administration of the programs and activities of the Office of Recovery; (4) manages special projects

and external liaison activities; and (5) directs Office of Recovery's overall human resource activities and works with SAMHSA's Labor and Employee Relations staff to monitor the conduct of equal employment opportunity activities for the Office of Recovery.

Office of the Assistant Secretary for Mental Health and Substance Use (MA)

The Office of the Assistant Secretary for Mental Health and Substance Use (OAS): (1) Maintains a system to disseminate research findings and evidence-based practices to service providers to improve treatment and prevention services and incorporate these findings into SAMHSA programs; (2) ensures that grants are subject to performance and outcome evaluations and that center directors consistently document the grant process and conduct ongoing oversight of grantees; (3) consults with stakeholders to improve community-based and other mental health services, including adults with a serious mental illness (SMI), and children with a serious emotional disturbance (SED); (4) collaborates with other federal departments, including the Departments of Defense (DOD), Veterans Affairs (VA), Housing and Urban Development (HUD), and Labor (DOL) to improve care for veterans and service members, and support programs to address chronic homelessness; and (5) works with stakeholders to improve the recruitment and retention of mental health and substance use disorder professionals. In addition, the OAS provides leadership in the development of agency policies and programs, and maintains a close working relationship and coordination with Congress, other operating and staff divisions within the Department of Health and Human Services, and external Federal and private sector entities.

The OAS consists of the Office of Intergovernmental and External Affairs, the Office of Behavioral Health Equity and Justice-Involved, the Office of Tribal Affairs and Policy/Office of Indian Alcohol and Substance Abuse, and the Office of the Chief Medical Officer.

Office of Intergovernmental and External Affairs (MAC)

The Office of Intergovernmental and External Affairs (OIEA) serves as the central point for providing leadership and coordination in establishing and maintaining a collaborative effort between SAMHSA, other government agencies, and service providers in order to improve behavioral health outcomes. The Office is SAMHSA's lead for institutional and intergovernmental communication and coordination. As such, the Office: (1) Ensures that critical information from the field is incorporated into all policy activities and shared broadly across SAMHSA to support program development and implementation; (2) establishes and sustains relationships between SAMHSA and key stakeholders in other government agencies and institutions; (3) ensures that SAMHSA's policies are effectively communicated to Regional and National stakeholders; and, (4) meets routinely with staff from Centers and Offices to discuss program policy issues, seek input, and review progress.

Office of Behavioral Health Equity and Justice-Involved (MACA)

The Office of Behavioral Health Equity and the Justice-Involved (OBHEJI) coordinates agency efforts to ensure that racial and ethnic minority, underserved, and criminal justice-involved populations have equitable access to high quality behavioral health care. Functions of the office include: (1) Strengthening SAMHSA's capacity, through its grant programs and technical assistance efforts, to address the behavioral health needs of minority, underserved and justice involved populations; (2) enhancing measurement and data strategies to identify, assess and respond to the behavioral health challenges for these populations; (3) promoting policy initiatives that strengthen SAMHSA's programs and the broader field in improving the behavioral health of the underserved and the justice-involved; and, (4) expanding the behavioral health workforce capacity to improve outreach, engagement and quality of care.

Office of Tribal Affairs and Policy/ Office of Indian Alcohol and Substance Abuse (MACB)

The Office of Tribal Affairs and Policy (OTAP)/Office of Indian Alcohol and Substance Abuse (OIASA) coordinates federal partners and provides tribes with technical assistance and resources to develop and enhance prevention and treatment programs for substance use disorders, including the misuse of alcohol. The Office serves as the agency's primary point of contact for tribal governments, tribal organizations, and federal agencies on behavioral health issues that impact tribal communities.

OTAP/OIASA is charged with aligning, leveraging, and coordinating federal agencies and departments in carrying out SAMHSA's responsibilities delineated in the Tribal Law and Order Act (TLOA). This effort is overseen through the Indian Alcohol and Substance Abuse (IASA) Interdepartmental Coordinating Committee, which is comprised of more than 60 members representing a range of federal agencies and departments.

Health Financing and Policy Branch (MACC)

Leads the Health Financing and Policy efforts on behalf of the Agency. Maintains relationships with the Centers for Medicare & Medicaid Services (CMS), Public, and Commercial insurance sector to ensure Agency influence and support for behavioral health services within Medicare, Medicaid, and private insurance plans. Oversees Agency role in CMS Medicaid waiver programs. Maintains Agency voice on mental health and substance use parity laws. Agency Regulatory Officer.

Executive Correspondence and Support Branch (MACD)

The Executive Correspondence and Support Branch: (1) Receives, analyzes, assigns, distributes and tracks executive correspondence and maintains files; (2) ensuring responsiveness, quality and timeliness of executive correspondence; (3) issues guidance and establishes administrative processes to ensure that executive correspondence complies with all DHHS requirements and reflects positively on the reputation of SAMHSA; and, (4) responds to Freedom of Information Act requests.

Office of the Chief Medical Officer (MAD)

The Office of the Chief Medical Officer (OCMO) provides assistance to the Assistant Secretary in evaluating and organizing programs within the Agency, and to promote evidence-based and promising best practices emphasizing clinical focus. The OCMO has in-depth experience providing mental health care or substance use disorder treatment services. Furthermore, the OCMO coordinates with the Assistant Secretary for Planning and Evaluation (ASPE) to assess the use of performance metrics to evaluate SAMHSA programs, and to coordinate with the Assistant Secretary to ensure consistent utilization of appropriate performance metrics and evaluation designs.

Delegation of Authority

All delegations and re-delegations of authority made to SAMHSA officials that were in effect immediately prior to this reorganization, and that are consistent with this reorganization, shall continue in effect pending further re-delegation.

Dated: April 27, 2022.

Xavier Becerra,

Secretary.

[FR Doc. 2022–09404 Filed 5–2–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Diabetes, Endocrinology and Metabolic Diseases B Study Section.

Date: May 31–June 2, 2022.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy Two, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Charlene J. Repique, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7347, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *charlene.repique@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09395 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK SBIR Applications Developing New Technologies for Development and Integration of Novel Components for Open and Closed Loop Hormone Replacement Platforms for T1D Therapy.

Date: May 27, 2022.

Time: 2:00 p.m. to 3:00 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: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, Division of Extramural Activities, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09403 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24 Clinical Trial Not Allowed).

Date: May 20, 2022.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Sandip Bhattacharyya, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42, Rockville, MD 20852, (240) 292–0189, *sandip.bhattacharyya@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09432 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Study Section.

Date: June 21–23, 2022.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy Two, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7343, 6707 Democracy Boulevard, Bethesda, MD 20817, 301–496–9010, *hoffertj@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09392 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Council.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website *http://videocast.nih.gov.*

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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: June 7–8, 2022.

Open: June 7, 2022, 12:30 p.m. to 4:45 p.m.

Agenda: Presentation of the NIMH Director's Report and discussion of NIMH programs.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Closed: June 8, 2022, 12:00 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Tracy L. Waldeck, Ph.D., Director, Division of Extramural Activities, National Institute of Mental Health, NIH, DHHS Neuroscience Center, 6001 Executive Boulevard Bethesda, MD 20892, 301–480–6833, *tracy.waldeck@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: *www.nimh.nih.gov/about/advisory-boards-and-groups/namhc/index.shtml,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 28, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09442 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Conference Grant Special Emphasis Panel.

Date: June 29, 2022.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Science, Natcher Bldg. 45, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marc Rigas, Ph.D., Scientific Review Officer, Office Scientific Review, National Institute of General Medical Sciences, National Institutes Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–402–1074, *rigasm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09386 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH Research Enhancement Award (R15) in Oncological Sciences.
Date: May 31, 2022.
Time: 10:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, *kotliars@mail.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.
Date: June 2–3, 2022.
Time: 9:30 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451–1323, *assamunu@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Integrative Vascular Physiology and Pathology Study Section.
Date: June 21–22, 2022.
Time: 9:00 a.m. to 9:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Bukhtiar H. Shah, DVM, MS, Ph.D., Scientific Review Officer, Vascular and Hematology IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Cellular and Molecular Technologies Study Section.
Date: June 22–23, 2022.
Time: 9:30 a.m. to 8:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Tatiana V. Cohen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–455–2364, *tatiana.cohen@nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Digestive System Host Defense, Microbial Interactions and Immune and Inflammatory Disease Study Section.
Date: June 23–24, 2022.
Time: 9:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 27, 2022.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09402 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Models AD.
Date: June 28, 2022.
Time: 12:00 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *parsadaniana@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09396 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Aging and Cognition.
Date: June 21, 2022.
Time: 12:00 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Anita H. Undale, Ph.D., MD, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–7428, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09393 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Behavioral Neuroendocrinology, Neuroimmunology, Rhythms, and Sleep Study Section.

Date: June 1–2, 2022.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *selmanom@csr.nih.gov.*

Name of Committee: Emerging Technologies and Training Neurosciences Integrated Review Group; Bioengineering of Neuroscience, Vision and Low Vision Technologies Study Section.

Date: June 1–2, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert C. Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.

Date: June 1–2, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, 301–827–6276, *anita.szajek@nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Cellular, Molecular, and Immunobiology Study Section.

Date: June 1–2, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: George M. Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 27, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09394 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: LZK-Targeting Cancer Therapeutic

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute (NCI), an institute of the National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Uereka Biosciences Inc. (''Uereka''), headquartered in East Wakefield, NH.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before May 18, 2022 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Jasmine Yang, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: 301–624–8746; Email: *jasmine.yang@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

(1) HHS Ref. No.: E–163–2020–0, Entitled: Leucine Zipper-bearing Kinase (LZK) Targeting Degraders and Methods of Use
  (a) US Provisional Patent Application No.: 63/073,835 HHS Ref. No.: E–163–2020–0–US–01 Filing *Date:* September 2, 2020
  (b) PCT Patent Application No.: PCT/US2021/048600 HHS Ref. No.: E–163–2020–0–PCT–02 Filing *Date:* September 1, 2021

(2) HHS Ref. No.: E–169–2021–0, Entitled: LZK-Targeting ATP-Competitive Catalytic Inhibitors Suppress LZK Catalytic Activity, Inhibit MYC Expression, Inhibit AKT Activation, and Promote Cancer Cell Death and Tumor Regression
  (a) US Provisional Patent Application No.: 63/239,797 HHS Ref. No.: E–169–2021–0–US–01 Filing *Date:* September 1, 2021

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the following:

''LZK-targeting small molecules inhibitors or PROTACs to treat cancers overexpressing LZK..''

Leucine-Zipper Kinase (LZK, encoded by MAP3K13, a resident gene of the 3q amplicon) is highly expressed in the mouse brain, particularly the cerebellum, but also in the intestine, olfactory bulb, liver, and kidney and shown to promote neurite growth. In addition, LZK overexpression and 3q amplification is associated with cancer such as squamous cell carcinomas (SCC). The Intellectual Property are directed to compositions of matter to LZK kinase inhibitors as well as the combination of a LZK binding moiety to an E3-ligase binding moiety via a linker and specific structures to each component as well as methods of using said compositions to treat LZK

overexpression diseases and condition and to degrade or inhibit LZK activity.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument establishing that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 28, 2022.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2022–09486 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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, National Institute of Mental Health.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Mental Health, 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, National Institute of Mental Health.

Date: June 1–3, 2022.

Time: June 1, 2022, 12:30 p.m. to 5:10 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20892.

Time: June 2, 2022, 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20892.

Time: June 3, 2022, 11:00 a.m. to 3:20 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Claude D. Pepper Building, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Jennifer E. Mehren, Ph.D., Scientific Advisor, Division of Intramural Research Programs, National Institute of Mental Health, NIH, 35A Convent Drive, Room GE 412, Bethesda, MD 20892–3747, 301–496–3501, *mehrenj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: April 28, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–09444 Filed 5–2–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6331–N–01]

General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: In accordance with the Build America, Buy America Act (the Act) this notice advises that HUD is proposing a general applicability waiver for six months to the Buy America Domestic Content Procurement Preference (''Buy America Preference,'' or ''BAP'') to provide the agency with sufficient time to solicit information from the public relating to the agency's potential information collection needs and the associated burdens that would be placed on recipients arising from compliance and monitoring with the BAP in connection with Federal Financial Assistance awards made by HUD. In accordance with the Act, HUD has found that this proposed general applicability waiver is in the public interest as HUD must complete the required public comment process pursuant to the Paperwork Reduction Act to establish an approved collection for the information identified as necessary to establish compliance with the BAP.

DATES: Comments on the proposed waiver set out in this document are due on or before May 14, 2022. This proposed waiver is effective for six months after May 14, 2022, unless, after reviewing any comments, HUD publishes a subsequent notice in the **Federal Register** explaining any changes to its determination to issue the waiver.

ADDRESSES: Interested persons are invited to submit comments on this proposed general applicability waiver. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.* To receive consideration as public comments, comments must be submitted through one of two methods, specified below. All submissions must refer to the above docket number and title.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

No Facsimile Comments. Facsimile (FAX) comments will not be accepted.

Public Inspection of Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the submissions must be scheduled by calling the

Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339 (this is a toll-free number). Copies of all submissions are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Carlile, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410–5000, at (202) 402–7082. HUD encourages submission of questions about this document be sent to *BuildAmericaBuyAmerica@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Build America, Buy America

The Build America, Buy America Act (the Act) was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA). Public Law 117–58. The Act establishes a domestic content procurement preference, the BAP, for Federal infrastructure programs. Section 70914(a) of the Act establishes that no later than 180 days after the date of enactment, HUD must ensure that none of the funds made available for infrastructure projects may be obligated by the Department unless it has taken steps to ensure that the iron, steel, manufactured products, and construction materials used in a project are produced in the United States. In section 70912, the Act further defines a project to include ''the construction, alteration, maintenance, or repair of infrastructure in the United States'' and includes within the definition of infrastructure those items traditionally included along with buildings and real property.

II. HUD's Progress in Implementation of the Act

Since the enactment of the Act, HUD has worked diligently to implement the BAP. Consistent with the requirements of section 70913 of the Act, HUD has produced a report that identifies and evaluates all of HUD's Federal Financial Assistance programs with potentially eligible uses of funds that include infrastructure as defined by the Act to determine which programs would be in compliance with the BAP and which would be considered inconsistent with section 70914 of the Act and thus ''deficient'' as defined by section 70913(c) of the Act. The report was submitted to Congress and the Office of Management and Budget (OMB) and published in the **Federal Register** within 60 days after the date of enactment of the Act, on January 19, 2022. Specifically, HUD published the required report in a notice entitled ''Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act'' in compliance with section 70913. 87 FR 2894. In the report, HUD erred on the side of over-inclusiveness in accordance with OMB guidance,[1] finding that none of HUD's discretionary funding programs reviewed to date fully meet the BAP requirements outlined in section 70914 of the Act and are considered ''deficient'' under the definition in section 70913(c). Since issuing the report, HUD has held regular meetings with Departmental offices and consulted administrative and economic data to plan to implement the Act.

III. Waivers

Under section 70914(b), HUD has authority to waive the application of a domestic content procurement preference when (1) application of the preference would be contrary to the public interest, (2) the materials and products subject to the preference are not produced in the United States at a sufficient and reasonably available quantity or satisfactory quality, or (3) inclusion of domestically produced materials and products would increase the cost of the overall project by more than 25 percent. Section 70914(c) provides that a waiver under 70914(b) must be published by the agency with a detailed written explanation for the proposed determination and provide a public comment period of not less than 15 days.

Information on this waiver may be found at the web page at this link: *https://www.hud.gov/program_offices/general_counsel/BABA.*

IV. Public Interest in a General Applicability Waiver of Buy America Provisions

In this notice, HUD is seeking comment on a proposed general applicability waiver of the BAP to HUD's Federal Financial Assistance awards to provide the Department with sufficient time to properly determine what information collections will be necessary for it to ensure compliance with the BAP as required by the Act, including completion of the processes for solicitation of public comment pursuant to the Paperwork Reduction Act (PRA) and receipt of approval for the information collection from OMB. In fiscal year 2022, HUD grantees will receive more than $15 billion through the Department's programs where infrastructure is an eligible activity, and may be subject to the BAP. HUD believes that full compliance with the BAP will create ongoing demand for domestically produced products and deepen domestic supply chains. HUD anticipates that in order to ensure full compliance with the BAP, it will need to impose additional information collection requirements on recipients of Federal financial assistance from HUD. Specifically, HUD expects such recipients to face additional paperwork burdens in complying with the BAP and in submitting requests for product or project specific waivers of the BAP.

As HUD's previous **Federal Register** Notice advised, many of the Department's programs may be subject to the BAP and have previously not required compliance with similar Buy American preferences. Because the potential application of BAP mandated by the Act is new to the majority of HUD's programs and Federal Financial Assistance, HUD does not have a full understanding of the impact on HUD's programs and Federal Financial Assistance that will be subject to the Act's provisions, nor does it have adequate information concerning the types of information necessary to demonstrate compliance with the BAP or to seek product- or project-specific waivers under the Act to readily provide the public with an opportunity to evaluate the burdens associated with the information to be collected. As a result, the Department is not yet equipped to provide recipients of Federal Financial Assistance from HUD with the opportunity to fully evaluate and comment on the proposed information to be collected as would be required under the PRA.

Because of the significance and wide scope of the new paperwork burdens expected to be placed upon the public as a result of the implementation of the BAP, HUD would like to take time to first solicit and then fully consider information from the public about the types of information that could be necessary to either request a waiver or demonstrate compliance with the BAP before beginning the process of soliciting and considering public comment in accordance with the PRA. HUD believes that the participation of the public in this important process is key to the successful implementation of the BAP across its Federal Financial

[1] See OMB Memorandum M–22–08, Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act, *https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-08.pdf.*

Assistance programs funding infrastructure projects. Therefore, HUD has determined that it would be contrary to the public's interest to apply the BAP to Federal Financial Assistance obligated by HUD prior to completion of these processes. HUD is hereby proposing to waive the application of the BAP to its Federal Financial Assistance funds obligated for the duration of this waiver to allow for the completion of the processes as described and the receipt of approval from OMB for the appropriate information collections.

During the proposed waiver period, HUD expects that implementing partners will take rapid action to prepare for compliance with the new requirements, including, for example:

1. Establishing certification processes for grantees and sub-grantees to determine Buy America compliance;

2. Ensuring contractors, subcontractors, and suppliers are prepared to certify compliance with Buy America requirements, and provide all relevant information, including contract provisions prescribing Buy America requirements;

3. Establishing appropriate diligence by grantees and other relevant agencies, including audits and reviews as appropriate;

4. Providing further data and information to HUD on the domestic availability of covered materials, including the extent to which compliant and non-compliant goods are used during the waiver period, which can be used to help provide market insights.

During the proposed waiver period, HUD will also work to prepare for implementation of new Made in America requirements by:

1. Assessing existing Federal financial assistance processes to see where Made in America processes can be most efficiently added and aligned;

2. Building new Made in America requirements into forthcoming Notice of Funding Opportunities, loan programs, and other resources provided by the Department, as appropriate;

3. Reviewing existing enforcement processes, including stewardship and oversight agreements with grantees, risk-based reviews, and compliance assessment program reviews to ensure we are ready to enforce Made in America standards.

4. Reviewing data, information, and comments provided by grantees, industry, and other partners to further assess opportunities, challenges, and the availability of domestically-sourced construction materials.

5. Training HUD staff and adopting best practices based on interagency work.

By the end of the proposed waiver period, the Department expects grantees, industry, and other partners to be ready to implement Made in America standards, consistent with the Act and interpreting guidance and standards. To the extent appropriate based on information gathered during the proposed waiver period, the Department will consider shortening the period of the waiver overall, or for certain categories of products, to rapidly encourage domestic sourcing. And, to the extent grantees, industry, or other partners seek future project-specific or broader waivers beyond this temporary waiver, they should be expected to provide rigorous justification of the lack of domestic availability—not only the difficulty of complying and the need for an adjustment period.

V. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M–22–11, ''Memorandum for Heads of Executive Departments and Agencies,'' published on April 18, 2022, agencies are expected to assess ''whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products'' as appropriate before granting a public interest waiver. HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products. HUD will perform additional market research during the duration of the waiver to better understand the market to limit the use of waivers caused by dumping of foreign-sourced products.

VI. Limited Duration of the Waiver

HUD remains committed to the successful implementation of the important BAP across its programs providing covered Federal Financial Assistance for infrastructure projects and will move swiftly towards completion of the processes outlined in this notice. This waiver is effective as of May 14, 2022, and will remain in effect for all Federal Financial Assistance for infrastructure projects for six months, or until HUD publishes a notice extending the waiver or a final notice confirming the completion of the PRA process described.

VII. Solicitation of Comments on the Waiver

As required under Section 70914 of the Act, HUD is soliciting comment from the public on the waiver. In particular, HUD invites comments on the length, purpose, and scope of the waiver to allow HUD to make an informed final determination on this waiver. Please refer to the **DATES** and **ADDRESSES** sections of this notice for information on submission of comments.

Marcia L. Fudge,

Secretary.

[FR Doc. 2022–09513 Filed 4–29–22; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6331–N–02]

General Applicability Waiver of Build America, Buy America Provisions as Applied to Tribal Recipients of HUD Federal Financial Assistance

AGENCY: Office of the Secretary, U.S. Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: In accordance with the Build America, Buy America Act, this notice advises that HUD is proposing a general applicability waiver for one year to the Buy America Domestic Content Procurement Preference (''Buy America Preference,'' or ''BAP'') as applied to Federal Financial Assistance provided to Tribes, Tribally Designated Housing Entities (TDHEs), and other Tribal Entities. In accordance with the Act, HUD has found that this general applicability waiver is in the public interest, as it provides the Department with the opportunity to first engage in consultation as described in HUD's Tribal Government-to-Government Consultation Policy, consistent with President Biden's ''Tribal Consultation and Strengthening Nation-to-Nation Relationships'' Memorandum regarding the potential application of BAP to such entities.

DATES: Comments on the proposed waiver set out in this document are due on or before May 14, 2022. This waiver is effective for one year after May 14, 2022, unless, after reviewing any comments, HUD publishes a subsequent notice in the **Federal Register** explaining any changes to its determination to issue the waiver.

ADDRESSES: Interested persons are invited to submit comments on the

general applicability waiver. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.* To receive consideration as public comments, comments must be submitted through one of two methods, specified below. All submissions must refer to the above docket number and title.

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

2. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

No Facsimile Comments. Facsimile (FAX) comments will not be accepted.

Public Inspection of Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the submissions must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339 (this is a toll-free number). Copies of all submissions are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Carlile, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10226, Washington, DC 20410–5000 at (202) 402–7082. HUD encourages submission of questions about this document be sent to *BuildAmericaBuyAmerica@hud.gov.*

SUPPLEMENTARY INFORMATION:

I. Build America, Buy America

The Build America, Buy America Act (the Act) was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA). Public Law 117–58. The Act establishes a domestic content procurement preference, the BAP, for Federal infrastructure programs. Section 70914(a) of the Act establishes that no later than 180 days after the date of enactment, HUD must ensure that none of the funds made available for infrastructure projects may be obligated by the Department unless it has taken steps to ensure that the iron, steel, manufactured products, and construction materials used in a project are produced in the United States. In section 70912, the Act further defines a project to include ''the construction, alteration, maintenance, or repair of infrastructure in the United States'' and includes within the definition of infrastructure those items traditionally included along with buildings and real property.

II. HUD's Progress in Implementation of the Act

Since the enactment of the Act, HUD has worked diligently to implement the BAP. Consistent with the requirements of section 70913 of the Act, HUD has produced a report that identifies and evaluates all of HUD's Federal Financial Assistance programs with potentially eligible uses of funds that include infrastructure as defined by the Act to determine which programs would be in compliance with the BAP and which would be considered inconsistent with section 70914 of the Act and thus ''deficient'' as defined by section 70913(c) of the Act. The report was submitted to Congress and the Office of Management and Budget (OMB) and published in the **Federal Register** within 60 days after the date of enactment of the Act, on January 19, 2022. Specifically, HUD published the required report in a notice entitled ''Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act'' in compliance with section 70913. 87 FR 2894. In the report, HUD erred on the side of over-inclusiveness in accordance with OMB guidance, finding that none of HUD's discretionary funding programs reviewed to date fully meet the BAP requirements outlined in section 70914 of the Act and are considered ''deficient'' under the definition in section 70913(c). Since issuing the report, HUD has held regular meetings with Departmental offices and consulted administrative and economic data to plan to implement the Act.

III. Waivers

Under Section 70914(b), HUD has authority to waive the application of a domestic content procurement preference when (1) application of the preference would be contrary to the public interest, (2) the materials and products subject to the preference are not produced in the United States at a sufficient and reasonably available quantity or satisfactory quality, or (3) inclusion of domestically produced materials and products would increase the cost of the overall project by more than 25 percent. Section 70914(c) provides that a waiver under 70914(b) must be published by the agency with a detailed written explanation for the proposed determination and provide a public comment period of not less than 15 days. Information on this waiver may be found at the web page at this link: *https://www.hud.gov/program_offices/general_counsel/BABA.*

IV. Public Interest in a General Applicability Waiver of Buy America Provisions for Tribes, TDHEs, and Other Tribal Entities

In this notice, HUD is seeking comment on a general applicability waiver of the BAP to HUD's Federal Financial Assistance awards to provide the Department with sufficient time to comply with HUD's Tribal consultation process. HUD's Tribal Government-to-Government Consultation Policy [1] was adopted in compliance with Executive Order 13175, ''Consultation with Indian Tribal Governments,'' and outlines the internal procedures and principles HUD must follow when communicating and coordinating on HUD programs and activities that affect Native American Tribes. HUD's Tribal consultation policy recognizes the right of Tribes to self-government and facilitates Tribal participation and input in HUD's implementation of programs and Federal financial assistance directed to Tribal communities.

As HUD's previous **Federal Register** Notice advised, many of the Department's programs will be subject to the BAP and have previously not required compliance with similar Buy American preferences. In fiscal year 2022, Tribes, TDHEs, and other Tribal Entities will receive $1 billion through the Department's programs where infrastructure is an eligible activity, and

[1] *https://www.hud.gov/program_offices/public_indian_housing/ih/regs/govtogov_tcp.* See also 81 FR 40893.

may be subject to the BAP. HUD believes that full compliance with the BAP will create ongoing demand for domestically produced products and deepen domestic supply chains. Because the potential application of BAP mandated by the Act would be new to the majority of HUD's programs and Federal Financial Assistance, HUD has not had the benefit of engaging in consultation pursuant to its Tribal Consultation policy concerning the application of the BAP to Tribes, TDHEs, and other Tribal Entities. Because of the significance and potentially wide scope of new requirements necessary to demonstrate compliance with BAP or to seek waivers of BAP for specific products or projects, it is imperative that HUD take time to engage in Tribal consultation and then fully consider information gathered through such consultation in determining how best to ensure compliance with the Act in connection with Federal Financial Assistance awards to Tribes, TDHEs, and other Tribal Entities. HUD believes that the Tribal consultation process is key to the successful implementation of the BAP across its covered Federal Financial Assistance programs funding infrastructure projects and that a full and meaningful Tribal consultation process will allow HUD to determine the potential impact of the Act's Buy America Preference on Tribal governments and communities and will inform a tailored implementation for Tribal recipients that recognizes the sovereignty and unique status of Tribal governments. Therefore, HUD has determined that it would be contrary to the public's interest to apply the BAP prior to completion of these Tribal consultation processes. HUD is hereby waiving the application of the BAP to its Federal Financial Assistance awards to Tribes, TDHEs, and other Tribal Entities obligated for the duration of this waiver to allow sufficient time for completion of the Tribal consultation processes regarding how BAP should be applied to Tribes, TDHEs, and other Tribal Entities. HUD may choose to consult with Tribes in coordination with other Federal agencies that also fund Tribal infrastructure projects.

V. Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB Memorandum M–22–11, ''Memorandum for Heads of Executive Departments and Agencies,'' published on April 18, 2022, agencies are expected to assess ''whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products'' as appropriate before granting a public interest waiver. HUD's analysis has concluded that this assessment is not applicable to this waiver, as this waiver is not based in the cost of foreign-sourced products.

VI. Limited Duration of the Waiver

HUD remains committed to the successful implementation of the important BAP across its programs providing covered Federal Financial Assistance for infrastructure projects, recognizing the unique relationship it has with Tribes, TDHEs, and other Tribal Entities receiving HUD Federal Financial Assistance for infrastructure projects. HUD is committed to engaging in a timely consultation process as noted above.

This waiver is effective as of May 14, 2022, and will remain in effect for all Federal Financial Assistance for infrastructure projects obligated to Tribes, TDHEs, and other Tribal Entities for one year, or until HUD publishes a notice extending the waiver or a final notice confirming the completion of HUD's Tribal consultation process and announcing the termination of this general applicability waiver.

VII. Solicitation of Comments

As required under Section 70914 of the Act, HUD is soliciting comment from the public on the waiver. Please refer to the **DATES** and **ADDRESSES** sections of this notice for information on submission of comments.

Marcia L. Fudge,

Secretary.

[FR Doc. 2022–09511 Filed 4–29–22; 11:15 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2022–N019; FXES11130200000–223–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please submit your written comments by June 2, 2022.

ADDRESSES:

Document availability: Request documents by phone or email: Marty Tuegel 505–248–6651, *marty_tuegel@fws.gov.*

Comment submission: Submit comments by email to *fw2_te_permits@fws.gov.* Please specify the permit application you are interested in by number (*e.g.,* Permit Record No. PER1234567).

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Supervisor, Environmental Review Division, 505–248–6651. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes hunting, shooting, harming, wounding, or killing, and also such activities as pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species,

and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in **ADDRESSES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0039279	Rylander, Rebecca; New Braunfels, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*).	Texas	Presence/absence surveys, habitat assessment.	Harass, harm.	Renew.
PER0039146	Blanchard Environmental Consulting; Durango, Colorado.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, Colorado, New Mexico, Utah.	Presence/absence surveys.	Harass, harm.	Renew.
PER0039271	Johnson, Matthew; Flagstaff, Arizona.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, New Mexico, Texas, Utah.	Presence/absence surveys, nest monitoring.	Harass, harm.	Renew.
PER0036913	Olsson Associates; Oklahoma City, Oklahoma.	Neosho mucket (*Lampsilis rafinesqueana*).	Oklahoma, Kansas	Presence/absence surveys.	Harass, harm.	Amend.
PER0037862	Terry, Adam; Doboll, Texas.	Red-cockaded woodpecker (*Picoides borealis*).	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas.	Presence/absence surveys, monitoring, capture, banding.	Capture, harass, harm.	Renew.
PER0038126	EcoPlan Associates, Inc.; Mesa, Arizona.	Spikedace (*Meda fulgida*), loach minnow (*Tiaroga cobitis*).	Arizona	Presence/absence surveys.	Harass, harm.	Amend.

Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022–09478 Filed 5–2–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2022–N020; FXES11130100000–223–FF01E00000]

Endangered Species; Receipt of Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation and survival of endangered species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permits, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before June 2, 2022.

ADDRESSES: *Document availability and comment submission:* Submit a request for a copy of the application and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name and application number (*e.g.,* Dana Ross, ESPER0001705):

- *Email: permitsR1ES@fws.gov.*
- *U.S. Mail:* Marilet Zablan, Regional Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Regional Recovery Permit Coordinator, Ecological Services, (503) 231–6131 (phone); *permitsR1ES@fws.gov* (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting, in

addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations (CFR) at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
PER0037813	Rogue Detection Teams, LLC, Rice, WA.	Franklin's bumble bee (*Bombus franklini*) Taylor's checkerspot (*Euphydryas editha taylori*).	California, Oregon.	Harass by survey and photograph..	New.
PER0038282	Brian Sidlauskas, Oregon State University, Corvallis, OR..	Shortnose sucker (*Chasmistes brevirostris*)	Idaho, Montana, Oregon.	Harass by survey, capture, handle, measure, release, and salvage..	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue a permit to an applicant listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Marilet A. Zablan,

Regional Program Manager for Restoration and Endangered Species Classification, Pacific Region.

[FR Doc. 2022–09471 Filed 5–2–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000.BX0000.223. LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. The surveys, which were executed at the request of the Unites States Forest Service, State of Alaska Mental Health Land Trust, and BLM, are necessary for the management of these lands.

DATES: The BLM must receive protests by June 2, 2022.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W. 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W. 7th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT: Thomas O'Toole, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W 7th Avenue, Anchorage, AK 99513; 907–271–4231; *totoole@blm.gov*. People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Copper River Meridian, Alaska

U.S. Survey No. 13967, accepted March 31, 2022, situated in T. 41 S., R. 67 E.

Group No. 1255, situated in T. 74 S., R. 90 E.; T. 75 S., R. 90 E.; and T. 75 S., R. 91 E., accepted April 22, 2022.

Fairbanks Meridian, Alaska

T. 3 S., R. 23 E., accepted March 30, 2022.
T. 4 S., R. 23 E., accepted March 30, 2022.
T. 2 S., R. 24 E., accepted March 30, 2022.
T. 3 S., R. 24 E., accepted March 30, 2022.
T. 4 S., R. 24 E., accepted March 30, 2022.
T. 1 N., R. 25 E., accepted March 30, 2022.
T. 1 S., R. 25 E., accepted March 30, 2022.
T. 2 S., R. 25 E., accepted March 30, 2022.
T. 3 S., R. 25 E., accepted March 30, 2022.
T. 4 S., R. 25 E., accepted March 30, 2022.
T. 1 S., R. 26 E., accepted March 30, 2022.
T. 2 S., R. 26 E., accepted March 30, 2022.
T. 3 S., R. 26 E., accepted March 30, 2022.
T. 1 S., R. 27 E., accepted March 30, 2022.
T. 2 S., R. 27 E., accepted March 30, 2022.
T. 1 S., R. 28 E., accepted March 30, 2022.
T. 2 S., R. 28 E., accepted March 30, 2022.
T. 16 S., R. 7 W., accepted January 19, 2022.

Seward Meridian, Alaska

T. 1 N., R. 1 E., accepted April 26, 2022.
T. 2 N., R. 1 E., accepted April 26, 2022.
T. 1 S., R. 1 E., accepted April 26, 2022.
T. 1 N., R. 1 W., accepted April 26, 2022.
T. 2 N., R. 1 W., accepted April 26, 2022.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The protest may be filed by mailing to BLM State Director, Alaska State Office, Bureau of Land Management, 222 W. 7th Avenue, Anchorage, AK 99513 or by delivering it in person to BLM Alaska Public Information Center, Fitzgerald Federal

Building, 222 W. 7th Avenue, Anchorage, Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Thomas O'Toole,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2022–09483 Filed 5–2–22; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cool Roof Rating Council

Notice is hereby given that, on February 28, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Cool Roof Rating Council (''CRRC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CRRC launched the Wall Rating Program on January 17, 2022. The Wall Rating Program offers product ratings for companies interested in having their exterior wall products listed and labeled with information about the product's surface radiative performance (solar reflectance and thermal emittance). The Wall Rating Program rates these products based on the CRRC–2 Wall Product Rating Manual, and will also be tested by the Accredited Independent Testing Laboratories (AITL) in accordance with the applicable CRRC-approved test methods.

On December 17, 2004, CRRC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2005 (70 FR 5483).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–09458 Filed 5–2–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Consortium for Battery Innovation

Notice is hereby given that, on March 4, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Battery Innovation (''CBI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, EBL GmbH, Holungen, GERMANY; Villanova University, Villanova, PA; Monbat AD, Sofia, BULGARIA; and Zhejiang Qian Li Zhi Xin Science and Technology Ltd, Hangzhou, CHINA have been added as parties to this venture. Also, Eastman Global, Solan, INDIA has withdrawn as party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CBI intends to file additional written notifications disclosing all changes in membership.

On May 24, 2019, CBI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 21, 2019 (84 FR 29241).

The last notification was filed with the Department on June 28, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 23, 2021 (86 FR 47156).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–09456 Filed 5–2–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Source Imaging Consortium, Inc.

Notice is hereby given that, on March 11, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Source Imaging Consortium, Inc (''Open Source Imaging Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Clinical Hospital of Infectious Diseases and Pneumophysiology, Timisoara, ROMANIA; Contextflow GmbH, Vienna, AUSTRIA; Coreline Soft Co., Ltd., Seoul, KOREA; and Carestream Healthcare, Inc., Rochester, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Source Imaging Consortium intends to file additional written notifications disclosing all changes in membership.

On March 20, 2019, Open Source Imaging Consortium filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice

published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 12, 2019 (84 FR 14973).

The last notification was filed with the Department on November 22, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 13, 2022 (87 FR 2181).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–09464 Filed 5–2–22; 8:45 am]

BILLING CODE P

UNITED STATES DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on March 17, 2022, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 3&Punt Solucions Informatiques SL, Barcelona, SPAIN; HelioCampus, Bethesda, MD; Albuquerque Public Schools, Albuquerque, NM; Allegany County School District (MD), Cumberland, MD; The Center for Reimaging Learning, Cambridge, MA; Effingham County Schools, Springfield, GA; Excel Public School, Mysore, INDIA; Follett School Solutions, McHenry, IL; ILIAS open source e-Learning e.V., Goldammerweg, GERMANY; Kershaw County School District (SC), Camden, SC; Klassroom SAS, Paris, FRANCE; National Center for University Entrance Examinations, Tokyo, JAPAN; Paper, Montreal, CANADA; and South Central Regional Information Center (RIC), Binghamton, NY, have been added as parties to this venture.

Also, N2N Services, Duluth, GA; Manabie International Pte Ltd., Singapore, SINGAPORE; and AEFIS, Philadelphia, PA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on December 30, 2021. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 13, 2022 (87 FR 2180).

Suzanne Morris,

Chief, Premerger and Division Statistics, Antitrust Division.

[FR Doc. 2022–09457 Filed 5–2–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0014]

Lead in Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Lead in Construction Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by July 5, 2022.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2012–0014) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates. For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Seleda Perryman or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these

requirements is to reduce employees' risk of death or serious injury by ensuring that employment has been tested and is in safe operating condition.

The purpose of the Lead in Construction Standard and its collection of information (paperwork) requirements is to reduce occupational lead exposure in the construction industry. Lead exposure can result in both acute and chronic effects and can be fatal in severe cases of lead toxicity. The major collection of information requirements of the Standard are: Conducting worker exposure assessments; notifying workers of their lead exposures; establishing, implementing and reviewing a written compliance program annually; labeling containers of contaminated protective clothing and equipment; providing medical surveillance to workers; providing examining physicians with specific information; ensuring that workers receive a copy of their medical surveillance results; posting warning signs; establishing and maintaining exposure monitoring, medical surveillance, medical removal and objective data records; and providing workers with access to these records. The records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employer's compliance efforts.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Lead in Construction Standard. There is no change in the burden from the last clearance request.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Lead in Construction Standard.

OMB Control Number: 1218–0189.

Affected Public: Business or other for-profits.

Number of Respondents: 885,922.

Number of Responses: 8,284,552

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 1,243,648.

Estimated Cost (Operation and Maintenance): $67,002,757.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); if comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at 202–693–1648 or (3) by hard copy.

Please note: While OSHA's Docket Office is continuing to accept and process submissions by regular mail due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2012–0014). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or a facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled (**ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so that the agency can attach them to your comments.

Due to security procedures, the use of regular mail may cause a significant delay in the receipt of comments.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Signed at Washington, DC.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–09435 Filed 5–2–22; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice of Updated Population Estimates for Basic Field-Agricultural Worker Grants

AGENCY: Legal Services Corporation.

ACTION: Notice of updated population estimates on which LSC will distribute Basic Field-Agricultural Worker Grants and availability of documentation supporting the estimates.

SUMMARY: The Legal Services Corporation (LSC) announces revised, updated population estimates of agricultural workers that LSC uses to distribute funds among grants for providing civil legal services to those workers and their dependents. LSC provided a detailed background and discussion of why it needed to update these estimates; provided links to the preliminary updated estimates, estimation methodology and additional materials; and invited comments about the updated estimates in a notice for public comment published in the **Federal Register**. 86 FR 70539 (Dec. 10, 2021).

LSC contracted with the United States Department of Labor, Employment and Training Administration (ETA) to secure updated data regarding the agricultural worker population. LSC used the preliminary estimates that ETA provided for grant allocations starting January 1, 2022. Information LSC

received indicated that the preliminary data ETA initially provided needed to be revised. This notice summarizes the revisions that LSC made in response to public comment.

DATES: Applicable May 3, 2022.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Senior Associate General Counsel for Regulations and Ethics Officer, Legal Services Corporation, 3333 K St. NW, Washington, DC 20007; 202–295–1563 (phone); *sdavis@lsc.gov.*

Summary of Comments and Revisions to the Preliminary Estimates and LSC's Response

LSC received one comment during the comment period. The National Legal Aid and Defender Association (NLADA) and the NLADA Agricultural Worker Program Section (the Section) jointly submitted the comment. NLADA and the Section expressed no opposition to the preliminary estimates so that LSC's implementation of funding allocations based on updated population estimates would not be delayed past January 2022. They further indicated that NLADA had not fully analyzed the preliminary estimates and that it might request adjustments to the 2021 estimates once its analysis was complete.

After the comment period, the Section submitted questions about the data sets and methods used to estimate the population of H–2A Agricultural Workers and H–2B Forestry Workers. After reviewing the Section's comments, ETA determined that a revision of the estimation methodology could provide a more accurate estimate of the number of these H–2 workers. ETA proceeded to revise the methodology and provided a more accurate estimates of the H–2 worker population and the total agricultural worker population. The Section also requested additional information to enable its members to better understand the estimation methodology. ETA provided additional supplemental materials in response to this request. LSC is using ETA's revised estimates for 2022 grant allocations.

LSC has updated the population estimates of agricultural workers based on the revised methods that ETA has used to estimate the population of H–2 workers and is using the revised estimates for its 2022 grant allocations. The revised estimate of the number of H–2 workers increased the estimate of the national agricultural worker population by .16% and resulted in small increases or decreases in state estimates. This revision will result in corresponding changes in 2022 grant allocations for Agricultural Worker service areas. Because the initial grant allocations for 2022 were based on the preliminary estimates published in December 2021, LSC will adjust the grant allocations for the remainder of 2022 to ensure that total grant allocations for 2022 are based on the final estimates.

LSC is publishing on its website the following documents regarding the final 2021 estimates. See *https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/agricultural-worker-population-estimate-2021-update.*

Table: Final Estimates of the 2021 LSC Agricultural Worker Poverty Population, Summary Table. Provides ETA's final 2021 estimates nationally and by state of the LSC Agricultural Worker Poverty Population.

Table: ''Final Estimates of the Number of H–2 Workers by State.'' Provides the updated estimates of the number of H–2 Workers by state and compares the updated estimates with the initial estimates.

Memorandum: JBS International, ''Using Fiscal Year 2016, 2017 and 2018 Data to Estimate the Number of 2017 H–2 Workers.'' Explains the methods used to develop revised estimates of H–2 workers with the data available from the Office of Foreign Labor Certification (OFLC).

Table: ''Top-Down State-Level Estimates of Active Farmworkers-2021.'' Shows the data and calculations from which the figures in the November 5th memo, Appendix B, Table 1, Column B ''Total Number of Active Farmworkers in the State'' are derived.

Memorandum: JBS International, ''Assessment of the Major Changes Between the 2021 and 2016 LSC Agricultural Poverty Population Estimates.'' Provides a high-level overview of farm labor market changes over the last decade that likely account for the changes in five components/factors in the 2021 and 2016 population estimates.

Table: Data Sources and Calculations—Final Estimates of the Numbers of H–2A Agricultural Workers and H–2B Forestry Workers. This replaces Table III published in December 2021.

Table: ''Comparison of the Preliminary and Final 2021 Estimates of the LSC Agricultural Worker Poverty Population.'' Shows the differences between the preliminary and final estimates of LSC Agricultural Worker Population by state.

Table: ''Major Differences between 2021 and 2016 LSC Agricultural Worker Poverty Population Estimates.'' This replaces the table with the same name published in December 2021.

Authority: 42 U.S.C. 2996g(e).

Dated: April 27, 2022.

Jessica L. Wechter,

Special Assistant to the President, Legal Services Corporation.

[FR Doc. 2022–09415 Filed 5–2–22; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–035)]

NASA Astrophysics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Advisory Committee. This Committee reports to the Director, Astrophysics Division, Science Mission Directorate, NASA Headquarters. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, June 7, 2022, 3:00 p.m.–5:00 p.m., Eastern Time.

ADDRESSES: Meeting will be virtual only. See WebEx and audio dial-in information below under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or *karshelia.kinard@nasa.gov.*

SUPPLEMENTARY INFORMATION: As noted above, this meeting is virtual and will take place telephonically and via Webex. Any interested person must use a touch-tone phone to participate in this meeting. The Webex connectivity information is provided below. For audio, when you join the Webex event, you may use your computer or provide your phone number to receive a call back, otherwise, call the U.S. toll conference number listed.

Any interested person may join via WebEx Tuesday, June 7, 2022 at *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m74e9251bae2ab01860e5e45691f1149c.*

The meeting number (access code) for Tuesday, June 7, 2022 is 2760 526 0919, and the password is PXnMqKb$282.

You may join by phone by dialing toll number 1–929–251–9612 or 1–415–527–5035.

The purpose of the meeting is to review the findings of the Senior Review Subcommittee for Astrophysics Operating missions, and to provide advice and recommendation to NASA on the future operations of those missions.

The agenda will be posted on the Astrophysics Advisory Committee web page: *https://science.nasa.gov/researchers/nac/science-advisory-committees/apac.*

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022–09463 Filed 5–2–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–036)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Intent to Grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than May 18, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than May 18, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent Application No. 16/904,224, Improved Perimeter Disc Brake Rotor, and U.S. Patent Application No. 17/476,678, Improved Perimeter Disk Brake Rotor, to Orbis Brakes Inc., having its principal place of business in Santa Rosa, California. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at *https://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022–09465 Filed 5–2–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (22–037)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant exclusive, co-exclusive or partially exclusive patent license

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than May 18, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than May 18, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information:

Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: *hq-patentoffice@mail.nasa.gov.* Questions may be directed to Phone: (202) 358–3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent No. 10,930,812, Method for fabricating a photovoltaic device using computer-controlled system, to Astrobotic Technology Inc., having its principal place of business in Pittsburgh, Pennsylvania. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be

found online at *http://technology.nasa.gov.*

Helen M. Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2022–09466 Filed 5–2–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Request: IMLS Grants to States Program State Reporting System, Including Site Visit Checklist

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments on this collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments related to the IMLS Grants to States Program State Reporting System, including Site Visit Checklist. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 03, 2022.

ADDRESSES: Send comments to Connie Bodner, Ph.D., Director of Grants Policy and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North, SW, Suite 4000, Washington, DC 20024–2135. Dr. Bodner can be reached by telephone: 202–653–4636, or by email at *cbodner@imls.gov.* Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except on Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

FOR FURTHER INFORMATION CONTACT: Teri DeVoe, Associate Deputy Director for Grants to States, Office of Library Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North, SW, Suite 4000, Washington DC 20024–2135. Ms. DeVoe can be reached by telephone at 202–653–4778, or by email at *tdevoe@imls.gov.*

SUPPLEMENTARY INFORMATION: IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, (*e.g.,* permitting electronic submissions of responses).

I. Background

The Institute of Museum and Library Services is the primary source of Federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit *www.imls.gov.*

II. Current Actions

The Grants to States program is the largest source of federal funding support for library services in the U.S. Using a population-based formula, more than $160 million is distributed among the State Library Administrative Agencies (SLAAs) every year. SLAAs are official agencies charged by the Library Services and Technology Act (20 U.S.C. 9121 and 20 U.S.C. 9141) with the extension and development of library services, and they are located in each of the 50 States of the United States, the District of Columbia, the five Territories of Guam, American Samoa, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, and the three Freely Associated States of Federated States of Micronesia, Republic of Palau, and the Republic of the Marshall Islands.

Each State Library Administrative Agency (SLAA) is required, under 20 U.S.C. 9101 *et seq.* (in particular 20 U.S.C. 9134), to submit a plan that details library services goals for a five-year period, along with associated certifications. Pursuant to 20 U.S.C. 9134 (c), each SLAA that receives an IMLS grant under the Grants to States program is required to evaluate and report on all funded project activities to IMLS, prior to the end of the execution of its five-year plan. Each SLAA receives IMLS funding to support activities for the five-year period through a series of overlapping two-year grant awards. Each SLAA must file interim and final financial reports, and final performance reports for each of these two-year grants through IMLS's State Program Report (SPR) system. This action is to incorporate a Site Visit Checklist as a stand-alone form in the SPR system, which has an OMB Control Number of 3137–0071, expiring 8/31/2024.

Agency: Institute of Museum and Library Services.

Title: IMLS Grants to States Program State Reporting System, including Site Visit Checklist.

OMB Number: 3137–0071.

Agency Number: 3137.

Respondents/Affected Public: State Library Administrative Agencies.

Total Estimated Number of Annual Respondents: 59.

Frequency of Response: Annually for the State Program Report, once every five years for the Site Visit Checklist.

Estimated Average Burden per Response: 47.83 hours for the State Program Report (annually), 20 hours for the Site Visit Checklist (once every five years).

Total Estimated Number of Annual Burden Hours: 2,822.

Cost Burden (dollars): $87,086.

Public Comments Invited: Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: April 28, 2022.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2022–09487 Filed 5–2–22; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 87 FR 24593 (April 26, 2022).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Tuesday, May 10, 2022.

CHANGES IN THE MEETING: Any press and public attending in person must comply with the COVID–19 guidelines and may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

For those attending the meeting in person, COVID–19 mitigation measures, which are based on CDC COVID–19 Community Levels in the Washington, DC metro area, will be announced via media advisory and posted on the Board Meeting web page the Friday before the meeting. Measures may include masking and social distancing. See the Board meeting web page at *www.ntsb.gov.*

CONTACT PERSON FOR MORE INFORMATION: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

Media Information Contact: Eric Weiss email at *eric.weiss@ntsb.gov* or at (202) 314–6100.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, May 4, 2022.

Additional Information: The public is invited to attend the Safety Board's meeting live by webcast at the Web address *http://ntsb.windrosemedia.com.* Further information about attending in person will be posted on *www.ntsb.gov* and NTSB social media sites closer to the event date.

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, April 29, 2022.

LaSean McCray,

Alternate Federal Register Liaison Officer.

[FR Doc. 2022–09534 Filed 4–29–22; 11:15 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0094]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of one amendment request. The amendment request is for Diablo Canyon Power Plant, Units 1 and 2. For the amendment request, the NRC proposes to determine that it involves no significant hazards consideration (NSHC). Because the amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation by persons who file a hearing request or petition for leave to intervene.

DATES: Comments must be filed by June 2, 2022. A request for a hearing or a petition for leave to intervene must be filed by July 5, 2022. Any potential party as defined in section 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 request document access by May 13, 2022.

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–2022–0094. 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: Kathleen Entz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2464, email: *Kathleen.Entz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0094, facility name, unit number(s), docket number(s), application date, and subject 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–2022–0094.
- *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 publicly available portions of the license amendment request are available in ADAMS under Accession No. ML22048A526.
- *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. Eastern Time (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–2022–0094, facility name, unit number(s), docket

number(s), application date, and subject, 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. Background

Pursuant to Section 189a.(1)–(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes a notice of an amendment containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment request involves NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioners) 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 that 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 a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr.* If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition must specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order that may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact—this information must include references to specific portions of the application that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. Contentions must be limited to matters within the scope of the proceeding and must be material to the findings the NRC must make to support the action that is involved in the proceeding. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. 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). The petition must be filed in accordance with the filing instructions in the ''Electronic

Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition must be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and must meet the requirements for petitions set forth in 10 CFR 2.309, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. 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).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. 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., ET, 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., ET, 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 following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensee's proposed NSHC determination. For further details with respect to this license amendment application, see the application for amendment, publicly available portions of which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2; San Luis Obispo County, CA	
Docket No(s)	50–275, 50–323.
Application Date	February 16, 2022.
ADAMS Accession No	ML22048A526.
Location in Application of NSHC	Pages 3–5 in Attachment 1 of the Enclosure.
Brief Description of Amendment(s)	The amendment would permit alternative security measures for the implementation of an early warning system.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jennifer Post, Esq., Pacific Gas and Electric Co., 77 Beale Street, Room 3065, Mail Code B30A, San Francisco, CA 94105.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2; San Luis Obispo County, CA

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C, the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated: April 13, 2022.

For the Nuclear Regulatory Commission.

Brooke P. Clark,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2022–08292 Filed 5–2–22; 8:45 am]

BILLING CODE 7590–01–P

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Health Benefits Election Form, Standard Form 2809

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Healthcare & Insurance/Federal Employee Insurance Operations (FEIO), Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an expiring information collection without change, Health Benefits Election Form, Standard Form 2809.

DATES: Comments are encouraged and will be accepted until June 2, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *http://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0160) was previously published in the **Federal Register** on November 1, 2021, at 86 FR 60304, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Standard Form 2809 is used by Federal employees, annuitants other than those under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) including individuals receiving benefits from the Office of Workers' Compensation Programs, former spouses eligible for benefits under the Spouse Equity Act of 1984, and separated employees and former dependents eligible to enroll under the Temporary Continuation of Coverage provisions of the FEHB law (5 U.S.C. 8905a). A different form (OPM 2809) is used by CSRS and FERS annuitants whose health benefit enrollments are administered by OPM's Retirement Operations.

Analysis

Agency: Federal Employee Insurance Operations, Office of Personnel Management.

Title: Health Benefits Election Form.

OMB Number: 3206–0160.

Frequency: On Occasion.

Affected Public: Individuals or Households.

Number of Respondents: 18,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 9,000.

U.S. Office of Personnel Management.

Kellie Cosgrove Riley,

Director, Office of Privacy and Information Management.

[FR Doc. 2022–09410 Filed 5–2–22; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94803; File No. SR–CboeEDGX–2022–025]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

April 27, 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 April 20, 2022, Cboe EDGX Exchange, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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 proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on May 2, 2022 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on May 2, 2022 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through November 7, 2022.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a))[6], contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot.[7] This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[8] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[9]

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on May 2, 2022. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84481 (October 24, 2018), 83 FR 54624 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeEDGX–2018–037) (''Notice''); 85182 (February 22, 2019), 84 FR 6846 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeEDGX–2018–037); 88054 (January 27, 2020), 85 FR 5761 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2020–002); 88787 (April 30, 2020), 85 FR 26995 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2020–019); 90253 (October 22, 2020) 85 FR 68390 (October 28, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2020–050); 91700 (April 28, 2021), 86 FR 23770 (May 4, 2021) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2021–022); *and* 93453(October 28, 2021), 86 FR 60667 (November 3, 2021) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeEDGX–2021–047).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] The Exchange notes that the Pilot Programs currently run on a bi-annual pilot basis.

[8] *See supra* note 5.

[9] *See* Cboe Options Rule 4.13.13, which also permits P.M.-settled third Friday-of-the-month SPX options on a pilot basis (''SPXPM Pilot Program''). The Exchange notes that, prior to the proposed November 7, 2022 Pilot Programs expiration date, Cboe Options intends to submit a proposal to make its SPXPM Pilot Program permanent. Following the Commission's review and approval of Cboe Options' proposal, the Exchange intends to file a similar proposal to make its XSPPM Pilot Program permanent.

subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot.[10] This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[11] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange makes its annual data and analyses previously submitted to the Commission under the Pilot Program public on its website and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[12]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[13] The Exchange merely proposes herein to extend the terms of the Pilot Programs to November 7, 2022.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] 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.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will continue to provide the investing public and other market participants with the opportunities to trade desirable products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all EDGX Options market participants, and the Pilot Products will continue to be available to all EDGX Options market participants. The Exchange believes there is

[10] *See supra* note 7.

[11] *See supra* note 5.

[12] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[13] *See supra* note 5.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on EDGX Options. To the extent that the continued trading of the Pilot Products may make EDGX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become EDGX Options market participants.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Programs prior to their expiration on May 2, 2022, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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–CboeEDGX–2022–025 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–CboeEDGX–2022–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2022–025 and should be submitted on or before May 24, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–09398 Filed 5–2–22; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94802; File No. SR–CboeBZX–2022–029]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options

April 27, 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 April 20, 2022, Cboe BZX Exchange, Inc. (the ''Exchange'') filed with the Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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 BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') proposes to extend the pilot programs in connection with the listing and trading of P.M.-settled series on certain broad-based index options. 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

The proposed rule change extends the listing and trading of P.M.-settled series on certain broad-based index options on a pilot basis.[5] Rule 29.11(a)(6) currently permits the listing and trading of XSP options with third-Friday-of-the-month expiration dates, whose exercise settlement value will be based on the closing index value on the expiration day (''P.M.-settled'') on a pilot basis set to expire on May 2, 2022 (the ''XSPPM Pilot Program''). Rule 29.11(j)(3) also permits the listing and trading of P.M.-settled options on broad-based indexes with weekly expirations (''Weeklys'') and end-of-month expirations (''EOMs'') on a pilot basis set to expire on May 2, 2022 (the ''Nonstandard Expirations Pilot Program'', and together with the XSPPM Pilot Program, the ''Pilot Programs''). The Exchange proposes to extend the Pilot Programs through November 7, 2022.

XSPPM Pilot Program

Rule 29.11(a)(6) permits the listing and trading, in addition to A.M.-settled XSP options, of P.M.-settled XSP options with third-Friday-of-the-month expiration dates on a pilot basis. The Exchange believes that continuing to permit the trading of XSP options on a P.M.-settled basis will continue to encourage greater trading in XSP options. Other than settlement and closing time on the last trading day (pursuant to Rule 29.10(a)),[6] contract terms for P.M.-settled XSP options are the same as the A.M.-settled XSP options. The contract uses a $100 multiplier and the minimum trading increments, strike price intervals, and expirations are the same as the A.M.-settled XSP option series. P.M.-settled XSP options have European-style exercise. The Exchange also has flexibility to open for trading additional series in response to customer demand.

If the Exchange were to propose another extension of the XSPPM Pilot Program or should the Exchange propose to make the XSPPM Pilot Program permanent, the Exchange would submit a filing proposing such amendments to the XSPPM Pilot Program. Further, any positions established under the XSPPM Pilot Program would not be impacted by the expiration of the XSPPM Pilot Program. For example, if the Exchange lists a P.M.-settled XSP option that expires after the XSPPM Pilot Program expires (and is not extended), then those positions would continue to exist. If the pilot were not extended, then the positions could continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the XSPPM Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot.[7] This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the XSPPM Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[8] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the XSPPM Pilot Program is consistent with the Exchange Act. The Exchange makes its annual data and analyses previously submitted to the Commission under the Pilot Program public on its website and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange also notes that its affiliated options exchange, Cboe Exchange, Inc. (''Cboe Options'') currently has pilots that permit P.M.-settled third Friday-of-the-month XSP options.[9]

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange is authorized to list for trading options that overlie the Mini-SPX Index (''XSP'') and the Russell 2000 Index (''RUT''). *See* Rule 29.11(a). *See also* Securities Exchange Act Release Nos. 84480 (October 24, 2018), 83 FR 54635 (October 30, 2018) (Notice of Filing of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066) (''Notice''); 85181 (February 22, 2019), 84 FR 6842 (February 28, 2019) (Notice of Deemed Approval of a Proposed Rule Change To Permit the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options on a Pilot Basis) (SR–CboeBZX–2018–066); 88052 (January 27, 2020), 85 FR 5753 (January 31, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–004); 88788 (April 30, 2020), 85 FR 27008 (May 6, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–038); and 90255 (October 22, 2020), 85 FR 68378 (October 28, 2020) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2020–076); 91699 (April 28, 2021), 86 FR 23767 (May 4, 2021) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2021–031); *and* 93454 (October 28, 2021), 86 FR 60727 (November 3, 2021) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Programs in Connection With the Listing and Trading of P.M.-Settled Series on Certain Broad-Based Index Options) (SR–CboeBZX–2021–072).

[6] Rule 29.10(a) permits transactions in P.M.-settled XSP options on their last trading day to be effected on the Exchange between the hours of 9:30 a.m. and 4:00 p.m. Eastern time. All other transactions in index options are effected on the Exchange between the hours of 9:30 a.m. and 4:15 p.m. Eastern time.

[7] The Exchange notes that the Pilot Programs currently run on a bi-annual pilot basis.

[8] *See supra* note 5.

[9] *See* Cboe Options Rule 4.13.13, which also permits P.M.-settled third Friday-of-the-month SPX options on a pilot basis (''SPXPM Pilot Program'').

Continued

Nonstandard Expirations Pilot Program

Rule 29.11(j)(1) permits the listing and trading, on a pilot basis, of P.M.-settled options on broad-based indexes with nonstandard expiration dates and is currently set to expire on May 2, 2022. The Nonstandard Expirations Pilot Program permits both Weeklys and EOMs as discussed below. Contract terms for the Weekly and EOM expirations are similar to those of the A.M.-settled broad-based index options, except that the Weekly and EOM expirations are P.M.-settled.

In particular, Rule 29.11(j)(1) permits the Exchange to open for trading Weeklys on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM). Weeklys are subject to all provisions of Rule 29.11 and are treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, Weeklys are P.M.-settled, and new Weekly series may be added up to and including on the expiration date for an expiring Weekly.

Rule 29.11(a)(2) permits the Exchange to open for trading EOMs on any broad-based index eligible for standard options trading to expire on the last trading day of the month. EOMs are subject to all provisions of Rule 29.11 and treated the same as options on the same underlying index that expire on the third Friday of the expiration month. However, under the Nonstandard Expirations Pilot Program, EOMs are P.M.-settled, and new series of EOMs may be added up to and including on the expiration date for an expiring EOM.

As stated above, this proposed rule change extends the Nonstandard Expirations Pilot Program for broad-based index options on a pilot basis, for a period of six months. If the Exchange were to propose an additional extension of the Nonstandard Expirations Pilot Program or should the Exchange propose to make it permanent, the Exchange would submit additional filings proposing such amendments. Further, any positions established under the Nonstandard Expirations Pilot Program would not be impacted by the expiration of the pilot. For example, if the Exchange lists a Weekly or EOM that expires after the Nonstandard Expirations Pilot Program expires (and is not extended), then those positions would continue to exist. However, any further trading in those series would be restricted to transactions where at least one side of the trade is a closing transaction.

As part of the Nonstandard Expirations Pilot Program, the Exchange submits a pilot report to the Commission at least two months prior to the expiration date of the pilot.[10] This annual report contains an analysis of volume, open interest, and trading patterns. In proposing to extend the Nonstandard Expirations Pilot Program, the Exchange will continue to abide by the reporting requirements described in the Notice.[11] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Nonstandard Expirations Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website data and analyses previously submitted to the Commission under the Pilot Program, and will make public any data and analyses it submits to the Commission under the Pilot Program in the future. The Exchange notes that other exchanges, including its affiliated exchange, Cboe Options, currently have pilots that have weekly and end-of-month expirations.[12]

Additional Information

The Exchange believes there is sufficient investor interest and demand in the XSPPM and Nonstandard Expirations Pilot Programs to warrant their extension. The Exchange believes that the Programs have provided investors with additional means of managing their risk exposures and carrying out their investment objectives. The proposed extensions will continue to offer investors the benefit of added transparency, price discovery, and stability, as well as the continued expanded trading opportunities in connection with different expiration times. The Exchange proposes the extension of the Pilot Programs in order to continue to give the Commission more time to consider the impact of the Pilot Programs. To this point, the Exchange believes that the Pilot Programs have been well-received by its Members and the investing public, and the Exchange would like to continue to provide investors with the ability to trade P.M.-settled XSP options and contracts with nonstandard expirations. All terms regarding the trading of the Pilot Products shall continue to operate as described in the XSPPM and Nonstandard Expirations Notice.[13] The Exchange merely proposes herein to extend the terms of the Pilot Programs to November 7, 2022.

Furthermore, the Exchange has not experienced any adverse market effects with respect to the Programs. The Exchange will continue to monitor for any such disruptions or the development of any factors that would cause such disruptions. The Exchange represents it continues to have an adequate surveillance program in place for index options and that the proposed extension will not have an adverse impact on capacity.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] 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.

In particular, the Exchange believes that the proposed extension of the Pilot Programs will continue to provide greater opportunities for investors. The Exchange believes that the Pilot Programs have been successful to date. The proposed rule change allows for an extension of the Program for the benefit of market participants. The Exchange believes that there is demand for the expirations offered under the Program and believes that P.M.-settled XSP, Weekly Expirations and EOMs will continue to provide the investing public and other market participants with the opportunities to trade desirable

The Exchange notes that, prior to the proposed November 7, 2022 Pilot Programs expiration date, Cboe Options intends to submit a proposal to make its SPXPM Pilot Program permanent. Following the Commission's review and approval of Cboe Options' proposal, the Exchange intends to file a similar proposal to make its XSPPM Pilot Program permanent.

[10] *See supra* note 7.

[11] *See supra* note 5.

[12] *See* Cboe Options Rule 4.13(e); and Phlx Rule 1101A(b)(5).

[13] *See supra* note 5.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

products and to better manage their risk exposure. The proposed extension will also provide the Commission further opportunity to observe such trading of the Pilot Products. Further, the Exchange has not encountered any problems with the Programs; it has not experienced any adverse effects or meaningful regulatory or capacity concerns from the operation of the Pilot Programs. Also, the Exchange believes that such trading pursuant to the XSPPM Pilot Program has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index.

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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Programs, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

Specifically, the Exchange does not believe the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all BZX Options market participants, and the Pilot Products will continue to be available to all BZX Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Programs to warrant its extension. The Exchange believes that, for the period that the Pilot Programs has been in operation, it has provided investors with desirable products with which to trade. Furthermore, as stated above, the Exchange maintains that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Programs. The Exchange further does not believe that the proposed extension of the Pilot Programs will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on BZX Options. To the extent that the continued trading of the Pilot Products may make BZX Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become BZX Options market participants.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) [18] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Programs prior to their expiration on May 2, 2022, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Programs to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Programs. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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–CboeBZX–2022–029 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–CboeBZX–2022–029. 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

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CboeBZX–2022–029 and should be submitted on or before May 24, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–09399 Filed 5–2–22; 8:45 am]

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[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94799; File No. SR–CBOE–2022–019]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Operation of its SPXPM Pilot Program

April 27, 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 April 20, 2022, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 extend the operation of its SPXPM pilot program. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 4.13. Series of Index Options

* * * * *

Interpretations and Policies

.01–.12 No change.

.13 In addition to A.M.-settled S&P 500 Stock Index (''SPX'') options approved for trading on the Exchange pursuant to Rule 4.13, the Exchange may also list options on SPX whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (P.M.-settled third Friday-of-the-month SPX options series). The Exchange may also list options on the Mini-SPX Index (''XSP'') and Mini-RUT Index (''MRUT'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled''). P.M.-settled third Friday-of-the-month SPX options series and P.M.-settled XSP and MRUT options will be listed for trading for a pilot period ending [May 2]*November 7,* 2022.

* * * * *

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

On February 8, 2013, the Securities and Exchange Commission (the ''Commission'') approved a rule change that established a Pilot Program that allows the Exchange to list options on the S&P 500 Index whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''SPXPM'').[5] On July 31, 2013, the Commission approved a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini-SPX Index (''XSP'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled XSP'').[6] On February 5, 2021, the Commission approved a rule change that amended the Pilot Program to allow the Exchange to list options on the Mini Russell 2000 Index (''MRUT'' or ''Mini-RUT'') whose exercise settlement value is derived from closing prices on the last trading day prior to expiration (''P.M.-settled MRUT'')[7] (together, SPXPM, P.M.-settled XSP, and P.M.-settled MRUT to be referred to herein as the ''Pilot Products'').[8] The Exchange has extended the pilot period numerous times, which, pursuant to Rule 4.13.13, is currently set to expire on the earlier of May 2, 2022 or the date on which the pilot program is approved on a permanent basis.[9] The Exchange hereby proposes to further extend the end date

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 68888 (February 8, 2013), 78 FR 10668 (February 14, 2013) (SR–CBOE–2012–120) (the ''SPXPM Approval Order''). Pursuant to Securities Exchange Act Release No. 80060 (February 17, 2017), 82 FR 11673 (February 24, 2017) (SR–CBOE–2016–091), the Exchange moved third-Friday P.M.-settled options into the S&P 500 Index options class, and as a result, the trading symbol for P.M.-settled S&P 500 Index options that have standard third Friday-of-the-month expirations changed from ''SPXPM'' to ''SPXW.'' This change went into effect on May 1, 2017, pursuant to Cboe Options Regulatory Circular RG17–054.

[6] *See* Securities Exchange Act Release No. 70087 (July 31, 2013), 78 FR 47809 (August 6, 2013) (SR–CBOE–2013–055) (the ''P.M.-settled XSP Approval Order'').

[7] *See* Securities Exchange Act Release No. 91067 (February 5, 2021), 86 FR 9108 (SR–2020–CBOE–116) (the ''P.M.-settled MRUT Approval Order'').

[8] For more information on the Pilot Products or the Pilot Program, *see* the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order.

[9] *See* Securities Exchange Act Release Nos. 71424 (January 28, 2014), 79 FR 6249 (February 3, 2014) (SR–CBOE–2014–004); 73338 (October 10, 2014), 79 FR 62502 (October 17, 2014) (SR–CBOE–2014–076); 77573 (April 8, 2016), 81 FR 22148 (April 14, 2016) (SR–CBOE–2016–036); 80386 (April 6, 2017), 82 FR 17704 (April 12, 2017) (SR–CBOE–2017–025); 83166 (May 3, 2018), 83 FR 21324 (May 9, 2018) (SR–CBOE–2018–036); 84535 (November 5, 2018), 83 FR 56129 (November 9, 2018) (SR–CBOE–2018–069); 85688 (April 18, 2019), 84 FR 17214 (April 24, 2019) (SR–CBOE–2019–023); 87464 (November 5, 2019), 84 FR 61099 (November 12, 2019) (SR–CBOE–2019–107); 88674 (April 16, 2020), 85 FR 22479 (April 22, 2020) (SR–CBOE–2020–036); 90263 (October 23, 2020), 85 FR 68611 (October 29, 2020) (SR–CBOE–2020–100); 91698 (April 28, 2021), 86 FR 23761 (May 4, 2021) (SR–CBOE–2021–027); *and* 93455 (October 28, 2021), 86 FR 60660 (November 3, 2021) (SR–CBOE–2021–062).

of the pilot period to November 7, 2022.[10]

During the course of the Pilot Program and in support of the extensions of the Pilot Program, the Exchange submits reports to the Commission regarding the Pilot Program that detail the Exchange's experience with the Pilot Program, pursuant to the SPXPM Approval Order,[11] the P.M.-settled XSP Approval Order,[12] and the P.M.-settled MRUT Approval Order.[13] Specifically, the Exchange submits annual Pilot Program reports to the Commission that contain an analysis of volume, open interest, and trading patterns. The analysis examines trading in Pilot Products as well as trading in the securities that comprise the underlying index. Additionally, for series that exceed certain minimum open interest parameters, the annual reports provide analysis of index price volatility and share trading activity. The Exchange also submits periodic interim reports that contain some, but not all, of the information contained in the annual reports. In providing the annual and periodic interim reports (the ''pilot reports'') to the Commission, the Exchange has previously requested confidential treatment of the pilot reports under the Freedom of Information Act (''FOIA'').[14]

The pilot reports both contain the following volume and open interest data:

(1) monthly volume aggregated for all trades;
(2) monthly volume aggregated by expiration date;
(3) monthly volume for each individual series;
(4) month-end open interest aggregated for all series;
(5) month-end open interest for all series aggregated by expiration date; and
(6) month-end open interest for each individual series.

The annual reports also contain (or will contain) the information noted in Items (1) through (6) above for Expiration Friday, A.M.-settled, S&P 500 and RUT index options traded on Cboe Options, as well as the following analysis of trading patterns in the Pilot Products options series in the Pilot Program:

(1) A time series analysis of open interest; and
(2) an analysis of the distribution of trade sizes.

Finally, for series that exceed certain minimum parameters, the annual reports contain the following analysis related to index price changes and underlying share trading volume at the close on Expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given Expiration Friday with comparable price changes from a control sample. The data includes a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the Cboe Volatility Index (VIX), is provided; and
(2) a calculation of share volume for a sample set of the component securities representing an upper limit on share trading that could be attributable to expiring in-the-money series. The data includes a comparison of the calculated share volume for securities in the sample set to the average daily trading volumes of those securities over a sample period.

The minimum open interest parameters, control sample, time intervals, method for randomly selecting the component securities, and sample periods are determined by the Exchange and the Commission. In proposing to extend the Pilot Program, the Exchange will continue to abide by the reporting requirements described herein, as well as in the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order.[15] Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Pilot Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website all data and analyses previously submitted to the Commission under the Pilot Program,[16] and will continue to make public any data and analyses it submits to the Commission under the Pilot Program in the future.

The Exchange proposes the extension of the Pilot Program in order to continue to give the Commission more time to consider the impact of the Pilot Program. To this point, Cboe Options believes that the Pilot Program has been well-received by its Trading Permit Holders and the investing public, and the Exchange would like to continue to provide investors with the ability to trade SPXPM and P.M.-settled XSP and MRUT options. All terms regarding the trading of the Pilot Products shall continue to operate as described in the SPXPM Approval Order, the P.M.-settled XSP Approval Order, and the P.M.-settled MRUT Approval Order. The Exchange merely proposes herein to extend the term of the Pilot Program to November 7, 2022.

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.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[19] 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 proposed extension of the Pilot Program will continue to provide greater opportunities for investors. Further, the Exchange believes that it has not experienced any adverse effects or meaningful regulatory concerns from the operation of the Pilot Program. As such, the Exchange believes that the extension of the Pilot Program does not raise any unique or prohibitive regulatory concerns. Also, the Exchange

[10] The Exchange notes that it is currently drafting a proposal to make the Pilot Program for SPXPM permanent. The Exchange intends to submit the proposal to make the Pilot Program for SPXPM permanent prior to the proposed November 7, 2022 Pilot Program expiration date. Following the Commission's review and approval of the Exchange's proposal, the Exchange intends to file a similar proposal(s) to make its Pilot Program for the other Pilot Products permanent.

[11] *See supra* note 5.

[12] *See supra* note 6.

[13] *See supra* note 7.

[14] 5 U.S.C. 552.

[15] Pursuant to Securities Exchange Act Release No. 75914 (September 14, 2015), 80 FR 56522 (September 18, 2015) (SR–CBOE–2015–079), the Exchange added SPXPM and P.M.-settled XSP options to the list of products approved for trading during Extended Trading Hours (''ETH''). The Exchange will also include the applicable information regarding SPXPM and P.M.-settled XSP options that trade during ETH in its annual and interim reports.

[16] Available at *https://www.cboe.com/aboutcboe/legal-regulatory/national-market-system-plans/pm-settlement-spxpm-data.*

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

believes that such trading has not, and will not, adversely impact fair and orderly markets on Expiration Fridays for the underlying stocks comprising the S&P 500 index and RUT index. The extension of the Pilot Program will continue to provide investors with the opportunity to trade the desirable products of SPXPM and P.M.-settled XSP and MRUT, while also providing the Commission further opportunity to observe such trading of the Pilot Products.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options 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 the continuation of the Pilot Program will impose any unnecessary or inappropriate burden on intramarket competition because it will continue to apply equally to all Cboe Options market participants, and the Pilot Products will be available to all Cboe Options market participants. The Exchange believes there is sufficient investor interest and demand in the Pilot Program to warrant its extension. The Exchange believes that, for the period that the Pilot Program has been in operation, it has provided investors with desirable products with which to trade. Furthermore, the Exchange believes that it has not experienced any adverse market effects or regulatory concerns with respect to the Pilot Program. The Exchange further does not believe that the proposed extension of the Pilot Program will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it only applies to trading on Cboe Options. To the extent that the continued trading of the Pilot Products may make Cboe Options a more attractive marketplace to market participants at other exchanges, such market participants may elect to become Cboe Options market participants.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [20] and Rule 19b–4(f)(6) thereunder.[21]

A proposed rule change filed under Rule 19b–4(f)(6) [22] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [23] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Pilot Program prior to its expiration on May 2, 2022, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Pilot Program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Pilot Program. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[24]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 17 CFR 240.19b–4(f)(6).

[23] 17 CFR 240.19b–4(f)(6)(iii).

[24] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2022–019 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–2022–019. 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–2022–019 and should be submitted on or before May 24, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–09400 Filed 5–2–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94798; File No. SR–NYSEArca–2022–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend a Representation Regarding the Sprott ESG Gold ETF

April 27, 2022.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 18, 2022, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') 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

The Exchange proposes to amend a representation regarding the Sprott ESG Gold ETF (the ''Trust''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved a proposed rule change relating to listing and trading on the Exchange of shares (''Shares'') of the Trust under NYSE Arca Rule 8.201–E.[4] Under NYSE Arca Rule 8.201–E, the Exchange may propose to list and/or trade Commodity-Based Trust Shares pursuant to unlisted trading privileges (''UTP'').[5] Shares of the Trust have not commenced listing and trading on the Exchange.

The Exchange proposes to amend a representation made in the Prior Order relating to the Trust. Specifically, the Prior Order represented that: ''A minimum of two Creation Units or 100,000 Shares will be required to be outstanding at the start of trading, which is equivalent to 20,000 fine ounces of gold or about $36,527,000 as of February 9, 2022.'' The sponsor of the Trust, Sprott Asset Management LP, has determined instead that 100,000 Shares would be equivalent to 2,000 fine ounces of gold. The Exchange accordingly proposes to delete the representation quoted above and replace it with the following: ''A minimum of two Creation Units or 100,000 Shares will be required to be outstanding at the start of trading, which is equivalent to 2,000 fine ounces of gold or about $3,903,100 as of April 11, 2022.'' All of the remaining representations in the Prior Order remain unchanged.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[6] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The proposed rule change merely amends the number of fine ounces of gold that are equivalent to 100,000 Shares, which 100,00 Shares would still be required to be outstanding at the start of trading. The Exchange believes that amending the representation to reflect the correct equivalent of fine ounces of gold, and the correct corresponding dollar amount that would be equivalent to the 100,000 Shares that will be available at the onset of trading, would promote just and equitable principles of trade and 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 because it is to correct the number of fine ounces of gold, and the corresponding dollar amount equivalent to 100,000 Shares, before the Shares begin trading.

Other than this proposed change, all remaining statements in the Prior Order remain unchanged.

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 proposed change is not designed to address any competitive issue but rather to amend a representation regarding the number of fine ounces of gold that are equivalent to 100,000 Shares, which 100,00 Shares would still be required to be outstanding at the start of trading, and the corresponding dollar amount that would be equivalent to the 100,000 Shares. The Exchange believes that this change will have no impact at all on intramarket or intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 94518 (March 25, 2022), 87 FR 18837 (March 31, 2022) (SR–NYSEArca–2021–65) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to List and Trade Shares of the Sprott ESG Gold ETF under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares)) (the ''Prior Order'').

[5] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[6] 15 U.S.C. 78f(b)(5).

19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[9] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the Exchange filed this proposal to amend a representation in order to reflect the correct equivalent of fine ounces of gold, and the correct corresponding dollar amount that would be equivalent to the 100,000 Shares, that will be available at the onset of trading, before the Shares begin trading. Other than this proposed change, all remaining statements in the Prior Order remain unchanged. The proposed rule change raises no novel legal or regulatory issues. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2022–24 on the subject line.

Paper Comments

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

All submissions should refer to File Number SR–NYSEArca–2022–24. 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–NYSEArca–2022–24 and should be submitted on or before May 24, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–09401 Filed 5–2–22; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94800; File No. SR–CBOE–2022–021]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Renew an Existing Pilot Program

April 27, 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 April 20, 2022, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 renew an existing pilot program until November 7, 2022. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 4.13. Series of Index Options

(a)–(d) No change.

(e) *Nonstandard Expirations Pilot Program.*

(1)–(2) No change.

(3) *Duration of Nonstandard Expirations Pilot Program.* The Nonstandard Expirations Pilot Program shall be through [May 2]*November 7, 2022.*

* * * * *

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

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

On September 14, 2010, the Securities and Exchange Commission (the ''Commission'') approved a Cboe Options proposal to establish a pilot program under which the Exchange is permitted to list P.M.-settled options on broad-based indexes to expire on (a) any Friday of the month, other than the third Friday-of-the-month, and (b) the last trading day of the month.[5] On January 14, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Wednesday of month, other than those that coincide with an EOM.[6] On August 10, 2016, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled options on broad-based indexes to expire on any Monday of month, other than those that coincide with an EOM.[7] On April 12, 2022, the Commission approved a Cboe Options proposal to expand the pilot program to allow P.M.-settled SPX options to also expire on Tuesday or Thursday.[8] Under the terms of the Nonstandard Expirations Pilot Program (''Program''), Weekly Expirations and EOMs are permitted on any broad-based index that is eligible for regular options trading. Weekly Expirations and EOMs are cash-settled and have European-style exercise. The proposal became effective on a pilot basis for a period of fourteen months that commenced on the next full month after approval was received to establish the Program[9] and was subsequently extended.[10] Pursuant to Rule 4.13(e)(3), the Program is scheduled to expire on May 2, 2022. The Exchange believes that the Program has been successful and well received by its Trading Permit Holders and the investing public during that the time that it has been in operation. The Exchange hereby proposes to extend the Program until November 7, 2022. This proposal does not request any other changes to the Program.

Pursuant to the order approving the establishment of the Program, two months prior to the conclusion of the pilot period, Cboe Options is required to submit an annual report to the Commission, which addresses the following areas: Analysis of Volume & Open Interest; Monthly Analysis of Weekly Expirations & EOM Trading Patterns; Provisional Analysis of Index Price Volatility; and, for SPX options specifically, certain market quality data.[11] The Exchange has submitted, under separate cover, the annual report in connection with the present proposed rule change. Additionally, the Exchange will provide the Commission with any additional data or analyses the Commission requests because it deems such data or analyses necessary to determine whether the Program is consistent with the Exchange Act. The Exchange is in the process of making public on its website all data and analyses previously submitted to the Commission under the Program,[12] and will make public any data and analyses it makes to the Commission under the Program in the future.

If, in the future, the Exchange proposes an additional extension of the Program, or should the Exchange propose to make the Program permanent (which the Exchange currently intends to do), the Exchange will submit an annual report (addressing the same areas referenced above and consistent with the order approving the establishment of the Program) to the Commission at least two months prior to the next bi-annual expiration date of the Program.[13] The Exchange will also make this report public. Any positions established under the Program will not be impacted by the expiration of the Program.

The Exchange believes there is sufficient investor interest and demand in the Program to warrant its extension. The Exchange believes that the Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Furthermore, the Exchange has not experienced any adverse market effects with respect to the Program.

The Exchange believes that the proposed extension of the Program will not have an adverse impact on capacity.

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.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and

[5] *See* Securities Exchange Act Release 62911 (September 14, 2010), 75 FR 57539 (September 21, 2010) (order approving SR–CBOE–2009–075).

[6] *See* Securities Exchange Act Release 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (order approving SR–CBOE–2015–106).

[7] *See* Securities Exchange Act Release 78531 (August 10, 2016), 81 FR 54643 (August 16, 2016) (order approving SR–CBOE–2016–046).

[8] *See* Securities Exchange Act Release 94682 (April 12, 2022) (order approving SR–CBOE- 2022–005).

[9] *See supra* note 7.

[10] *See* Securities Exchange Act Release 65741 (November 14, 2011), 76 FR 72016 (November 21, 2011) (immediately effective rule change extending the Program through February 14, 2013). *See also* Securities Exchange Act Release 68933 (February 14, 2013), 78 FR 12374 (February 22, 2013) (immediately effective rule change extending the Program through April 14, 2014); 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (immediately effective rule change extending the Program through November 3, 2014); 73422 (October 24, 2014), 79 FR 64640 (October 30, 2014) (immediately effective rule change extending the Program through May 3, 2016); 76909 (January 14, 2016), 81 FR 3512 (January 21, 2016) (extending the Program through May 3, 2017); 80387 (April 6, 2017), 82 FR 17706 (April 12, 2017) (extending the Program through May 3, 2018); 83165 (May 3, 2018), 83 FR 21316 (May 9, 2018) (SR–CBOE–2018–038) (extending the Program through November 5, 2018); 84534 (November 5, 2019), 83 FR 56119 (November 9, 2018) (SR–CBOE–2018–070) (extending the Program through May 6, 2019); 85650 (April 15, 2019), 84 FR 16552 (April 19, 2019) (SR–CBOE–2019–022) (extending the Program through November 4, 2019); 87462 (November 5, 2019), 84 FR 61108 (November 12, 2019) (SR–CBOE–2019–104) (extending the Program through May 4, 2020); 88673 (April 16, 2020), 85 FR 22507 (April 22, 2020) (SR–CBOE–2020–035) (extending the Program through November 2, 2020); 90262 (October 23, 2020) 85 FR 68616 (October 29, 2020) (SR–CBOE–2020–101); 91697 (April 28, 2021), 86 FR 23775 (May 4, 2021) (SR–CBOE–2021–026) (extending the Program through November 1, 2021); *and* 93459 (October 28, 2021), 86 FR 60663 (November 3, 2021) (SR–CBOE–2021–063) (extending the Program through May 2, 2022).

[11] The SPX options market quality data includes time-weighted relative quoted spreads, relative effective spreads and time-weighted bid and offer sizes, over sample periods determined by the Exchange and the Commission.

[12] Available at *https://www.cboe.com/aboutcboe/legal-regulatory/national-market-system-plans/non-standard-expiration-data.*

[13] The Exchange notes that from the Program's implementation in 2010 through 2014, the Program ran on a 14-month basis, and, in 2014, the Program was extended to run on a bi-annual pilot basis. *See* Securities Exchange Act Release No. 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (SR–CBOE–2014–027). The Program continues to run on a bi-annual basis today.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

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 facilitation 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) [16] 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 Program has been successful to date and states that it has not encountered any problems with the Program. The proposed rule change allows for an extension of the Program for the benefit of market participants. Additionally, the Exchange believes that there is demand for the expirations offered under the Program and believes that that Weekly Expirations and EOMs will continue to provide the investing public and other market participants increased opportunities to better manage their risk exposure.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options 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. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day operative delay will allow it to extend the Program prior to its expiration on May 2, 2022, and maintain the status quo, thereby reducing market disruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the Program. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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–CBOE–2022–021 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–2022–021. 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–2022–021 and should be submitted on or before May 24, 2022.

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–09406 Filed 5–2–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, May 5, 2022.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

(Authority: 5 U.S.C. 552b.)

[22] 17 CFR 200.30–3(a)(12).

Dated: April 28, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–09506 Filed 4–29–22; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17425 and #17426; Texas Disaster Number TX–00628]

Administrative Declaration of a Disaster for the State of Texas

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 04/27/2022.

Incident: Eastland Complex Fire.

Incident Period: 03/16/2022 through 03/30/2022.

DATES: Issued on 04/27/2022.

Physical Loan Application Deadline Date: 06/27/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 01/27/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Eastland

Contiguous Counties:

Texas: Brown, Callahan, Comanche, Erath, Palo Pinto, Shackelford, Stephens

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	2.875
Homeowners without Credit Available Elsewhere	1.438
Businesses with Credit Available Elsewhere	5.880
Businesses without Credit Available Elsewhere	2.940
Non-Profit Organizations with Credit Available Elsewhere	1.875
Non-Profit Organizations without Credit Available Elsewhere	1.875
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	2.940
Non-Profit Organizations without Credit Available Elsewhere	1.875

The number assigned to this disaster for physical damage is 17425 5 and for economic injury is 17426 0.

The State which received an EIDL Declaration # is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2022–09431 Filed 5–2–22; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2022–0099]

Request for Comments on the Renewal of a Previously Approved Information Collection: Ocean Shipments Moving Under Export-Import Bank Financing

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves documenting shipments made during the life of certain EXIM Bank financed projects. The information to be collected is necessary for MARAD to fulfill its legislative requirement to monitor the percentage of ocean freight revenues/tonnage. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before July 5, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2022–0099 through one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.

• *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 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.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Electronic Access and Filing

A copy of the notice may be viewed online at *www.regulations.gov* using the docket number listed above. A copy of this notice will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

FOR FURTHER INFORMATION CONTACT: James Mead, (202) 366–5723, Office of Cargo and Commercial Sealift, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Ocean Shipments Moving Under Export-Import Bank Financing.

OMB Control Number: 2133–0013.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The information collection will be used by MARAD to monitor compliance with the cargo preference laws by parties covered under PR 17 and 46 CFR part 381. In addition, MARAD will use the information to compile annual information on EXIM Bank-financed shipments, and when applicable, to provide for an informal grievance procedure, in the event there is a question or complaint pertaining to cargo preference matters.

The monthly shipping reports, with substantiating documents, will provide the only basis for MARAD to exercise its legislative responsibility to monitor EXIM Bank-financed cargoes that are transported on U.S.-flag vessels, recipient flag vessels and on third-flag vessels according to the determinations and certifications of vessel non-availability that have been granted. The compilation of the statistics from the shipping reports forms the basis for determining compliance with PR 17 for each loan participant. This information is also provided to the EXIM Bank, and is the nucleus for conducting annual reviews of the shipping activities of the EXIM Bank programs.

MARAD uses the information collected as part of the Transparency Initiative to share with the EXIM Bank. MARAD also intends to use the information to assist EXIM Bank shippers with finding suitable U.S.-flag vessels and in support of the determinations MARAD makes with respect to requests from EXIM Bank shippers for certifications of non-availability.

Respondents: All EXIM Bank loan and certain loan guarantee recipients and designated representatives charged with the responsibility of monthly and annual reporting. These can be a contractor, ocean transportation intermediary, supplier, etc.

Affected Public: EXIM Bank loan and certain loan guarantee recipients.

Estimated Number of Respondents: 28.

Estimated Number of Responses: 12.

Estimated Hours per Response: 0.5.

Annual Estimated Total Annual Burden Hours: 168.

Frequency of Response: Monthly.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–09472 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2022–0100]

Request for Comments on the Renewal of a Previously Approved Information Collection: Application for Conveyance of Port Facility Property

AGENCY: Maritime Administration, Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is necessary for MARAD to determine whether the applicant is committed to the redevelopment plan; the plan is in the best interests of the public, and the property will be used in accordance with the terms of the conveyance and applicable statutes and regulations. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before July 5, 2022.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2022–0100 through one of the following methods:

• *Federal eRulemaking Portal: www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.

• *Fax:* 1–202–493–2251.

• *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 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.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to *www.regulations.gov* including any personal information provided.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Electronic Access and Filing

A copy of the notice may be viewed online at *www.regulations.gov* using the docket number listed above. A copy of this notice will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days

each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Linden Houston, (202) 366–4839, Office of Deepwater Port Licensing & Port Conveyance, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Application for Conveyance of Port Facility Property.

OMB Control Number: 2133–0524.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: Public Law 103–160, as applied by 40 U.S.C. 554, authorizes the Department of Transportation to convey to public entities surplus Federal property needed for the development or operation of a port facility. The information collection will allow MARAD to approve the conveyance of property and administer the port facility conveyance program.

Respondents: Eligible state and local public entities.

Affected Public: Eligible state and local public entities.

Estimated Number of Respondents: Thirteen (13).

Estimated Number of Responses: Thirteen (13).

Estimated Hours per Response: Forty-four (44).

Annual Estimated Total Annual Burden Hours: Five hundred seventy-two (572).

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2022–09473 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0034]

Agency Information Collection Activities; Notice and Request for Comment; Compliance Labeling Warning Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment on a reinstatement of a previously approved collection of information.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a reinstatement of a previously approved collection of information on Federal Motor Vehicle Safety Standard (FMVSS) No. 125. Before a Federal agency can collect certain information from the public, it must receive approval from the OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes a collection of information for labeling information required by FMVSS No. 125, for which NHTSA intends to seek OMB approval. The labeling requirement is for warning devices.

DATES: Comments must be received on or before July 5, 2022.

ADDRESSES:

You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Management, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Toyoaki Nogami, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, West Building—4th Floor—Room W43–462, 1200 New Jersey Avenue SE, Washington, DC 20590. He can be reached at (202) 366–1810.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) 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) 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) how to enhance the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection information for which the agency is seeking approval from OMB.

Title: 49 CFR 571.125, Compliance Labeling Warning Devices.

OMB Control Number: 2127–0506.

Form Number(s): N/A.

Type of Request: Reinstatement of a previously approved collection of information.

Type of Review Requested: Regular

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information

49 U.S.C. 30111 of the National Traffic and Motor Vehicle Safety Act of 1966, authorizes the Secretary of Transportation (NHTSA by delegation) to issue FMVSS that set performance standards for motor vehicles and items of motor vehicle equipment. 49 U.S.C. 30115 requires manufacturers of motor vehicles or motor vehicle equipment to certify that the vehicle or equipment complies with applicable motor vehicle safety standards prescribed under this chapter. Section 30115 further specifies that certification of equipment may be shown by a label or tag on the equipment or on the outside of the container in which the equipment is delivered to certify that items of motor vehicle equipment subject to FMVSS comply with all applicable standards. Further, the Secretary (NHTSA by delegation) is authorized, at 49 U.S.C. 30117, to require manufacturers to provide information to first purchasers of motor vehicles or motor vehicle equipment when the vehicle or equipment is purchased, in the form of printed matter placed in the vehicle or attached to the vehicle or motor vehicle equipment.

Federal Motor Vehicle Safety Standard (FMVSS) No. 125, ''Warning devices'' specifies requirements for devices, without self-containing energy sources, that are designed to be carried in buses and trucks with a Gross Vehicle Weight Rating (GVWR) greater than 10,000 pounds, although they can be carried in other vehicles. These devices are used to warn approaching traffic of the presence of a stopped vehicle. This requirement does not apply to devices designed to be permanently affixed to the vehicle. The purpose of the standard is to reduce deaths and injuries due to rear end collisions between moving traffic and disabled vehicles. To ensure that the warning devices provide effective warnings to approaching traffic of the presence of a stopped vehicle, the standard sets forth specific requirements for the chromaticity of the reflex reflective material and fluorescent material affixed to both faces of the device.

In addition to performance requirements, the FMVSS No. 125 requires manufacturers to permanently and legibly mark their warning devices with (a) the manufacturer's name, (b) the month and year of manufacture, and (c) the symbol DOT, or the statement that the warning device complies with all applicable FMVSS. Manufacturers must also provide, with each warning device they manufacture, instructions printed or attached to the device in a manner that cannot easily be removed, for the operator to understand its erection and placement and a recommendation that the driver activate the vehicle hazard warning signal lamps before leaving the vehicle.

Since the last notice, the total burden hours were revised from one hour to three hours based on the number of respondents and required reporting tasks. The total annual cost burden was revised from $26 to $4,075, and the number of responses increased from 2.85 million to 4.31 million based on the number of trucks registered in the United States. In addition, maintenance and materials costs were updated.

Description of the Need for the Information and Proposed Use of the Information

Manufacturers of warning devices are required to certify that their products meet the requirements of FMVSS No. 125. Without the identification information provided by the certification, NHTSA would be unable to identify the manufacturer of equipment that fails to meet the minimum performance for reflectivity and ability to withstand environmental conditions consistent with roadsides on which they are to be used. The instruction labeling also serves the safety purpose of FMVSS No. 125 by providing important information to operators, thereby increasing the likelihood of correct usage. Without labeling and instructions, a driver may not properly erect or place the warning devices in a manner that reduces the risk of rear end crashes with disabled vehicles. Federal Motor Carriers Safety Administration (FMCSA) also requires the placement of warning devices around buses and trucks that have a Gross Vehicle Weight Rating (GVWR) greater than 10,000 pounds, for warning to approaching traffic when they are disabled on a highway or shoulder. The labeling requirement assists FMCSA enforcement with the ability to verify that warning devices being used in commercial motor vehicles meet the minimum performance levels for safety.

Affected Public: Manufacturers of warning devices.

Estimated Number of Respondents: 3.

The respondents are likely to be manufacturers of warning devices. The agency estimates that currently there are three manufacturers producing warning devices for use in motor vehicles.

Frequency: As needed.

Estimated Total Annual Burden Hours: 3 hours.

NHTSA was able to identify three manufacturers of warning devices. NHTSA estimates there are approximately 4.32 million labels affixed to warning devices each year. NHTSA estimates that there are approximately 4.32 million labels affixed to warning devices per year. This is based on the total number of truck tractors and other medium- and heavy-duty trucks registrations, which was 14,369,339 in 2019.[1] NHTSA estimates that 1 out of 10 trucks requires a new set of warning devices each year or, approximately 1.44 million (1,436,934 or rounded to 1.44 million), and each warning device requires three labels. Accordingly, NHTSA estimates that the three respondents produce 4.32 million labels each year, for an annual average of 1.44 million labels per respondent. Because the labels are molded onto the warning devices and cases, NHTSA estimates that the only time burden associated with this collection is time required to log the production of the molding presses in a highly-automated production process, which NHTSA estimates will take each manufacturer 1 hour per year. Accordingly, NHTSA estimates the total burden for this collection to be 3 hours (3 respondents × 1 hour). Using the estimate from the Bureau of Labor Statistics (BLS) for the average hourly compensation for Molders and Molding Machine Setters, Operators, and Tenders, Metal and Plastic (BLS Occupation code 51–4070) in the Motor Vehicle Manufacturing Industry, NHTSA estimate the loaded labor cost is $34.67 per hour.[2] Thus, the total labor cost associated with the burden hours is

[1] Bureau of Transportation Statistics, Table titled ''Number of U.S. Truck Registrations by Type | Bureau of Transportation Statistics,'' *https://www.bts.gov/browse-statistical-products-and-data/national-transportation-statistics/number-us-truck.*

[2] The hourly wage is estimated to be $24.48 per hour. National Industry-Specific Occupational Employment and Wage Estimates NAICS 336100—Motor Vehicle Manufacturing, May 2020, *https://www.bls.gov/oes/current/naics4_336100.htm#51-0000,* last accessed November 5, 2021. The Bureau of Labor Statistics estimates that wages represent 70.6 percent of total compensation to private workers, on average. Bureau of Labor Statistics. Employer Costs for Employee Compensation—June 2021. *https://www.bls.gov/news.release/ecec.t04.htm,* last accessed November 5, 2021. Therefore, NHTSA estimates the total hourly compensation cost to be $34.67.

$104.01 for all responses generated by all 3 respondents together. Table 1 provides a summary of the estimated burden hours and labor costs associated with those submissions.

TABLE 1—SUMMARY OF BURDEN HOURS AND ASSOCIATED LABOR COSTS

Number of respondents	Estimated annual hour burden per respondent	Average hourly labor cost	Annual labor cost per respondent	Total annual burden hours	Total annual labor costs
3	1	$34.67	$34.67	3	$104.01

Estimated Total Annual Burden Cost: $4,075 per year.

NHTSA estimates that the total annual cost to respondents is $4,075.00, or $.00094 per response ($4,075 ÷ 4.32 million labels). This cost is comprised of the annualized cost of depreciation of purchase and modification of the equipment required for molding the labels onto the warning devices and cases and the annual cost of materials required for the labeling.

The initial cost to the respondents was based on estimated costs for modifying the die-mold such that it creates the label during normal production. The cost to manufacturers of the label requirement is the amortization of the die mold modification and the additional material consumed. The labels are to be placed on every warning device manufactured. The labels are produced during the normal course of steady flow manufacturing operation without a direct time penalty. The sole method used for producing the label is a process by which the required information is molded into the parts and/or cases directly. The cost of modifying a die mold to include the required information is estimated to be $10,000 per mold. The typical life of a die-mold of this type is 30 years, for a straight-line depreciation of the molds ($10,000 divided by 30) equal to $333.33 per mold assuming its purchasing cost is zero. Part of the required information is included on the molds that create the warning devices, while the remaining information (instructions) is included within the molds that create the cases that are supplied with the warning devices. Each of the three manufacturers is estimated to have 2 warning device molds and 2 case molds for a total of 12 molds. Accordingly, NHTSA estimates the total cost for equipment to be $4,000 per year (($333.33 × 4 molds) × 3 respondents = $4,000).

The additional material required to produce the instructions is expected to be very small because the engraving depth is approximately 0.1 mm with a text width of 0.5 mm and a length of 300 mm, resulting in a volume of material of 1.5 mm^3 per warning device, or 6,480,000 mm^3 per year (1.5 × 4.32 million devices). The price of polypropylene is estimated at $1,100 per ton with a density of 0.95 g/cm^3 (1.0472×10^{-8} tons/mm^3). The total material price is thus estimated to be $74.64 (($1.0472 \times 10^{-8}$ tons/mm^3) × $1,100 × 6,480,000 mm^3) per year, rounded to $75 per year.

TABLE 2—SUMMARY OF COSTS

	Estimated annual depreciation cost per mold	Number of molds per respondent	Annual cost per respondent	Number of respondents	Total annual cost burden all respondents
Die Mold Cost	$333.33	4	$1,333.33	3	$4,000.00
	Annual number of labels (m)	Annual number of labels per respondent (m)	Annual cost per respondent	Number of respondents	Total annual cost burden all respondents
Material Cost	4.32	1.44	$25.00	3	$75.00
Total Costs			1,358.33		4,075.00

Public Comments Invited: You are asked to comment on any aspects of this information collection, including: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; as amended, 49 CFR 1.95 and DOT Order 1351.29.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2022–09391 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0035]

Agency Information Collection Activities; Notice and Request for Comment; Consolidated Labeling Requirements for 49 CFR Part 541 and Procedures for Selecting Lines To Be Covered by the Theft Prevention Standard for 49 CFR Part 542

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a reinstatement of a previously approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) summarized below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collections and their expected burden for consolidated labeling requirements and procedures for selecting lines to be covered by the Theft Prevention Standard. A **Federal Register** Notice with a 60-day comment period for approval of a reinstatement of this previously approved information collection was published on January 12, 2022. The agency received no comments.

DATES: Comments must be submitted on or before June 2, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs (NRM–310), 1200 New Jersey Avenue SE, West Building, Room W43–439, Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–5222. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on January 12, 2022 (87 FR 1833). The agency received no comments.

Title: Consolidated Labeling Requirements for 49 CFR part 541 and Procedures for Selecting Lines to be Covered by the Theft Prevention Standard for 49 CFR part 542.

OMB Control Number: 2127–0539.

Type of Request: Reinstatement of a previously approved information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years.

Summary of the Collection of Information: 49 U.S.C. Chapter 331 requires the Secretary of Transportation, and NHTSA by delegation, to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts (parts-marking) to impede motor vehicle theft. NHTSA's theft prevention standard at 49 CFR part 541 specifies performance requirements for identifying numbers or symbols (generally the vehicle identification number (VIN)) to be placed on major parts of all passenger vehicles subject to the theft prevention standard. In 1984, Congress enacted the Motor Vehicle Theft Law Enforcement Act (The Theft Act) directing NHTSA to issue a theft prevention standard requiring vehicle manufacturers to mark the major parts of high-theft lines of passenger motor vehicles. (Pub. L. 98–547.) In 1992, Congress enacted the Anti Car Theft Act (Pub. L. 102–519, codified at 49 U.S.C. chapter 331), which expanded the parts-marking requirement to include multipurpose passenger vehicles and certain light duty trucks. In a final rule published on April 6, 2004 (69 FR 17960), the Federal Motor Vehicle Theft Prevention Standard was extended to include all passenger cars and, multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 6,000 pounds or less, all light-duty trucks (LDTs) determined to be high-theft (with a gross vehicle weight rating of 6,000 pounds or less) and all low-theft LDTs with major parts that are interchangeable with a majority of the covered major parts of those passenger motor vehicle lines subject to the theft prevention standard. The five information collections are: (1) The requirement to mark major parts of covered motor vehicles; (2) the requirement to submit to NHTSA target areas showing where the parts will be marked; (3) the requirement that manufacturers maintain the designated target areas for the duration of the production of the vehicle line; (4) the requirement for manufacturers of new LDT lines to submit information to NHTSA to allow the agency to determine whether the LDT line will be required to comply with the parts-marking requirements because it is likely to be a high theft line; and (5) the requirement for manufacturers of new LDT lines to submit information to NHTSA to allow the agency to determine the LDT will be required to comply with the parts-marking requirements because it contains major parts that are interchangeable with the majority of the covered major parts of passenger motor vehicles covered by the standard. Each of the information collections are describe in more detail below.

49 CFR Part 541—Federal Motor Vehicle Theft Prevention Standard: The Theft Act requires specified parts of high-theft vehicles to be marked with vehicle identification numbers (parts-marking). Part 541 specifies performance requirements for identifying numbers or symbols to be placed on major parts of certain passenger motor vehicles to reduce the incidence of motor vehicle thefts through tracing and recovery of parts from stolen vehicles. All passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and light duty trucks with major parts that are interchangeable with the majority of the covered major parts of passenger motor vehicles covered by the standard are required to be parts-marked. Each major component part must be either labeled or affixed with the VIN and its replacement component part must be marked with the ''DOT'' symbol, the letter ''R'' and the manufacturers' logo. For each vehicle line, manufacturers must inform NHTSA of the location of the VIN marking on each part (target area) and the location of the VIN marking for the replacement part. This information is publicly available to aid law enforcement personnel in tracing stolen vehicles and their parts. In addition, the manufacturer must maintain the target area designated for

a part on a vehicle line for the duration of the production of the vehicle line, unless a restyling of the part makes it no longer practicable to mark within the original target area.

49 CFR Part 542—Procedures for Selecting Light Duty Truck Lines to be Covered by the Theft Prevention Standard: Manufacturers of light duty trucks must identify new model introductions that are likely to be high-theft vehicle lines as defined in 49 U.S.C. 33104. The specific vehicle lines are to be selected by agreement between the manufacturer and the agency. NHTSA's procedures for selecting high-theft vehicle lines are contained in 49 CFR part 542. Manufacturers use the criteria in Appendix C of part 541 to evaluate new lines and determine whether the new line is likely to be high theft. Next, the manufacturers submit their evaluations and conclusions, together with the underlying factual information, to NHTSA at least 15 months before introduction of the vehicle line into U.S. commerce.

Description of the Need for the Information and Proposed Use of the Information

49 CFR Part 541: The identification of major parts of high theft motor vehicle lines is designed to decrease automobile theft by making it more difficult for criminals to ''chop'' vehicles into component parts and then fence such parts. The information would aid law enforcement officials at all levels of Government in the investigation of ''chop shops'' by creating evidence for prosecution of the operators for possession of stolen motor vehicle parts. Officials have great difficulty in establishing that particular parts in the possession of a ''chop shop'' are in fact stolen when the parts are not marked. Operators of both ''chop shops'' and auto body repair shops would avoid possession of parts bearing identification that links the parts to a stolen vehicle. Also, stolen parts, when recovered, could not easily be traced back to the proper owner and returned to the owner or insurer if the parts were not marked. Congress intended for major parts identification to decrease the market for stolen parts and, therefore, decrease the incentive for motor vehicle theft.

49 CFR Part 542: Manufacturers of light duty trucks must identify new model introductions that are likely to be high-theft vehicle lines as defined in 49 U.S.C. 33104. Because the specific vehicle lines are to be selected by agreement between the manufacturer and NHTSA, the agency could not perform its statutory requirement without the information provided by the manufacturers.

60-Day Notice

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on January 12, 2022 (87 FR 1833). NHTSA received no comments.

Affected Public: Motor vehicle manufacturers.

Estimated Number of Respondents: 21.

There are approximately 21 manufacturers that are required to comply with the parts marking requirements of part 541 each year and submit information on target areas to NHTSA. For the information collections contained in part 542, NHTSA estimates that there are currently 7 manufacturers of LDTs that could be subject to the parts-marking requirements. However, these manufacturers are not required to submit information every year. Instead, these manufacturers would only need to submit information under part 542 before they introduce a new LDT line. Because NHTSA estimates that it will only receive one submission under section 542.1 and one submission under section 542.2 in each of the next three years, NHTSA estimates there will only be one respondent to these information collections annually.

Frequency: On Occasion.

Manufacturers comply with the parts-marking requirements when they manufacture new vehicles. Manufacturers submit new target area information when they introduce new vehicle lines or make changes to existing vehicle lines that require changes to where parts are marked. Manufacturers only submit information under part 542 when they introduce new LDT lines.

Number of Responses: 1.

For the five information collections in part 541 and part 542, NHTSA estimates the annual number of responses as follows: (1) 4.5 million for the parts-marking requirement; (2) 23 for submissions of target area information; (3) 23 for maintaining of target area information; (4) 1 for reporting on whether a LDT line is likely to be high-theft; and (5) 1 for reporting on whether a LDT line shares interchangeable parts with a high theft line subject to the parts-marking requirements.

Estimated Total Annual Burden Hours: 150,550.

49 CFR Part 541: The agency estimates that, based on the most currently available data, there has been a decrease in the production of vehicles requiring parts-marking from 8 million vehicles to approximately 4.5 million for all manufacturers. To calculate the burden associated with the parts marking requirement, NHTSA assumes that manufacturers will use the least burdensome method for complying with the requirement, based on historical practice and the agency's current understanding of how manufacturers fit labeling into the vehicle assembly line. For the antitheft requirement, the cost of labeling the major parts (*i.e.,* a paper label with the VIN is placed on each major part) is less than the cost of stamping the VIN on each major part with a stamping machine.

To meet the Theft Prevention Standard, the agency estimates that the time to number and affix the average of 14 labels to each vehicle is approximately 2 minutes. If 4.5 million vehicles are covered, the hourly burden for labeling 4.5 million motor vehicles would be 150,000 hours (4.5 million cars × 2 minutes per car ÷ 60 minutes in an hour).

The agency estimates that the time to stamp both the engine and transmission will take approximately 1 minute. If 4.5 million vehicles are covered, the total burden for stamping is estimated to total 75,000 hours (4.5 million cars × 1 minute per car ÷ 60 minutes in an hour). Please note that in this analysis each vehicle would either have its major parts labeled or stamped, *but not both.* As discussed above, since affixing paper labels is estimated to be cost less for manufacturers, NHTSA has estimated the burden of the parts marking requirements using the estimates for affixing paper labels. Therefore, NHTSA estimates the total burden for parts-marking to be 150,000 hours annually.

Each manufacturer of vehicles that are required to be parts-marked must submit reports of the target area locations for the labels or stamping. The target area designated for a part on a vehicle line shall be maintained for the duration of the production of the vehicle line, unless a restyling of the part makes it no longer practicable to mark within the original target area. If there is such a restyling, the vehicle manufacturer shall inform NHTSA of that fact and provide a new target area submission. NHTSA estimates that there is no additional hour burden to maintain the target area designation because maintaining the designation is built into the production process of a new vehicle line and the record of the target designation is kept electronically in the normal course of business.

NHTSA estimates that approximately 70 target area responses will be submitted to the agency in the next three years, or approximately 23

submissions each year. This estimate is based on the number of the submissions over the three-year period for MYs 2019–2021. Specifically, 18, 29 and 23 target areas were submitted for MYs 2019, 2020 and 2021, respectively. Due to the decreased production of vehicles requiring parts-marking, the agency estimates on an average, there will be a total of 23 target areas submitted by approximately 21 manufacturers. The average time to prepare and submit the target areas is estimated to be 20 hours for each submission. The burden hour for submissions will be 460 hours (23 submissions × 20 hours).

NHTSA estimates the labor cost associated with this collection of information by (1) applying the appropriate average hourly labor rate published by the Bureau of Labor Statistics (BLS), (2) dividing by 0.702 [1] (70.2%), for private industry workers to obtain the total cost of compensation, and (3) multiplying by the estimated burden hours for each respondent type. NHTSA estimates the labor costs associated with preparing and affixing labels to 14 major parts under § 541.5(a) using the average wage for manufacturers and assemblers in the motor vehicle manufacturing industry (Standard Occupational Classification #51–2000), which BLS estimates to be $23.18 [2] per hour. Using this estimate, NHTSA estimates the total compensation costs per hour to be $33.02 per hour ($23.18 per hour ÷ 0.702). The labor cost per vehicle is estimated to be $1.10 ($33.02 × 2 minutes/60), and the total labor cost for preparing and affixing labels to the estimated 4.5 million vehicles each year is estimated to be $4,953,000 ($1.10 × 4.5 million vehicles).

NHTSA estimates the labor costs associated with developing and submitting reports of the target area locations for labels or stamping under § 541.5(e) using the average wage for compliance officers in the motor vehicle manufacturing industry (Standard Occupational Classification #13–1041), which BLS estimates to be $42.30 [3] per hour. Using this estimate, NHTSA estimates the total compensation costs per hour to be $60.26 per hour ($42.30 per hour ÷ 0.702). The labor cost to prepare each report submitted under § 541.5(e) is estimated to be $1,205.20 ($60.26 × 20 hours per submission), and the total labor cost for the estimated 23 target area reports that will be submitted each year is estimated to be $27,720 ($1,205.20 × 23 reports, rounded).

NHTSA estimates that Part 541 will impose an annual reporting burden of 150,460 burden-hours, and the total estimated labor costs associated with these burden hours endured by the responding manufacturers are $4,977,720 ($4,950,000 + $27,720).

49 CFR Part 542: Currently there are seven manufacturers who produce LDTs that could be subject to the parts-marking requirements. While NHTSA estimates that all seven are still active in the U.S. market, only manufacturers that introduce new LDT lines would be required to report to NHTSA under 49 CFR 542.1 and 49 CFR 542.2. On average, NHTSA estimates that approximately that one LDT line will be introduced each year for which the manufacturer will need to submit information under § 542.1 and one LDT line will be introduced for which the manufacturer will need to submit information under § 541.2.

Section 542.1 specifies procedures for motor vehicle manufacturers and the agency to follow in the determination of new LDT lines that are likely to have a theft rate above or below the median theft rate of 3.5826. This section also provides the manufacturers with notice of their rights and responsibilities during the selection and appeals process. On average, NHTSA estimates that there will be approximately one manufacturer submittal a year. NHTSA further estimates that the burden for each § 542.1 submittal is approximately 45 hours. Therefore, the total annual burden for § 542.1 submittals is estimated to be 45 hours.

Section 542.2 specifies procedures for motor vehicle manufacturers and NHTSA to follow in the determination of new LTD lines that will likely have a low theft rate and have major parts interchangeable with a majority of the major parts of a passenger motor vehicle line subject to the parts-marking requirements. This section also provides the manufacturers with notice of their rights and responsibilities during the selection and appeal process. On average, NHTSA estimates that there will be approximately one manufacturer submittal a year. NHTSA further estimates that the burden for each § 542.2 submittal is approximately 45 hours. Therefore, the total annual burden for § 542.2 submittals is estimated to be 45 hours.

NHTSA estimates the labor cost associated with this collection of information by (1) applying the appropriate average hourly labor rate published by the Bureau of Labor Statistics (BLS), (2) dividing by 0.702 [4] (70.2%), for private industry workers to obtain the total cost of compensation, and (3) multiplying by the estimated burden hours for each respondent type.

Table 1 below provides a summary of the estimated burden hours and Table 2 provides a summary of the labor costs associated with the burden hours.

TABLE 1—TOTAL ESTIMATED BURDEN HOURS FOR PARTS 541 AND 542

IC No.	ICR title	Type of IC	Estimated number of respondents	Estimated number of responses	Estimated time per response	Total burden hours
1	541: Parts-Marking on 14 major parts (49 CFR 541.5(a))	Third-Party Disclosure	21	4.5 million	2 minutes	150,000
2	541: Reporting of Target Areas to NHTSA	Reporting	21	23	20 hours	460
3	Maintaining a Record of the Target Areas	Recordkeeping	21	21	0 hours	0
4	542: Submissions for Determination of whether LDT Line is High Theft.	Reporting	1	1	45 hours	45
5	542: Submission for Determination of whether LDT line Shares Interchangeable Parts with High Theft Line.	Reporting	1	1	45 hours	45
Total						150,550

[1] *See* Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2020), available at *https://www.bls.gov/news.release/archives/ecec_06182020.pdf* (accessed August 31, 2021).

[2] May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, *Assemblers and Fabricators, Occupation Code 51–2000, https://www.bls.gov/oes/2020/may/oessrci.htm* (accessed August 31, 2021).

[3] May 2020 National Industry-Specific Occupational Employment and Wage Estimates, NAICS 336100—Motor Vehicle Manufacturing, *Compliance Officer, Occupation Code 13–1041, https://www.bls.gov/oes/2020/may/naics4_336100.htm#13-0000* (accessed August 31, 2021).

[4] *See* Table 1. Employer Costs for Employee Compensation by ownership (Mar. 2020), available at *https://www.bls.gov/news.release/archives/ecec_06182020.pdf* (accessed August 31, 2021).

TABLE 2—ESTIMATED LABOR COSTS FOR BURDEN HOURS

ICR No.	ICR title	Labor cost per hour	Time per response	Labor cost per response	Total burden hours	Total labor cost
1	541: Parts-Marking on 14 major parts (49 CFR 541.5(a))	$33.02	2 minutes	$1.10	150,000	$4,953,000
2	541: Reporting of Target Areas to NHTSA	60.26	20 hours	1,205.20	460	27,719.60 27,720
3	Maintaining a Record of the Target Areas	N/A	0 hours	N/A	0	0
4	542: Submissions for Determination of whether LDT Line is High Theft.	60.26	45 hours	2,711.70	45	2,711.70 2,712
5	542: Submission for Determination of whether LDT line Shares Interchangeable Parts with High Theft Line.	60.26	45 hours	2,711.70	45	2,711.70 2,712
Totals					150,550	4,986,114

Estimated Total Annual Cost Burden: $24,003,000.

49 CFR Part 541: NHTSA assumes that most manufacturers will use the less expensive method of labeling the major parts on vehicles, and not stamp the VINs onto major parts, based on historical practice and the agency's current understanding of how manufacturers fit labeling into the vehicle assembly line. The cost of this collection of information will comprise of printing costs for the labels affixed to the vehicle parts. There are no additional costs to maintain the target area designation because maintaining the designation is built into the production process of a new vehicle line and the record of the target designation is kept electronically in the normal course of business. NHTSA estimates that the average cost to print each label is $0.381. There are an average 14 parts per vehicle to label; therefore, the printing cost per vehicle is $5.33. At present, the agency estimates that 4.5 million motor vehicles annually must have their major parts marked. The total annual costs are estimated to be $ 24,003,000 for label identifiers ($5.33 × 4.5 million vehicles).

Information collection	Number of parts labeled per vehicle	Printing cost per label	Total printing cost per vehicle	Number of vehicles per year (million)	Total estimated printing cost
541: Parts-Marking on 14 major parts (49 CFR 541.5(a))	14	$0.381	$5.33	4.5	$24,003,000

Target area submissions require no additional costs to the respondents above and beyond the labor costs.

49 CFR Parts 542: NHTSA estimates that meeting Part 542 involves no additional costs to the respondents above and beyond the labor costs.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) 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) 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 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.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2022–09390 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2022–0052 (Notice No. 2022–09)]

Hazardous Materials: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on these information collections pertaining to hazardous materials transportation for which PHMSA intends to request renewal from the Office of Management and Budget.

DATES: Interested persons are invited to submit comments on or before July 5, 2022.

ADDRESSES: You may submit comments identified by the Docket No. PHMSA–2022–0052 (Notice No. 2022–09) by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2022–0052) for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will

include any personal information you provide.

Requests for a copy of an information collection should be directed to Steven Andrews or Shelby Geller, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Confidential Business Information: 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 notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as ''CBI.'' Please mark each page of your submission containing CBI as ''PROPIN.'' PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Steven Andrews or Shelby Geller, Standards and Rulemaking Division and addressed to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or to *steven.andrews@dot.gov.* Any commentary that PHMSA receives which is not specifically designated as ''CBI'' will be placed in the public docket for this notice.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), title 5, Code of Federal Regulations (CFR) requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies information collection requests that PHMSA will be submitting to the Office of Management and Budget (OMB) for renewal and extension. These information collections are contained in 49 CFR 171.6 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). PHMSA has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes in proposed or final rules published since this information collection was last approved. The following is provided for each information collection: (1) Title of the information collection, including former title if a change is being made; (2) OMB control number; (3) summary of the information collection activity; (4) description of affected public; (5) estimate of total annual reporting and recordkeeping burden; and (6) frequency of collection. PHMSA will request a 3-year term of approval for this information collection activity and will publish a notice in the **Federal Register** upon OMB's approval.

PHMSA requests comments on the following information collection:

Title: Radioactive (RAM) Transportation Requirements.

OMB Control Number: 2137–0510.

Summary: This information collection consolidates and describes the information collection provisions in the HMR involving the transportation of radioactive materials in commerce. Information collection requirements for RAM include: Documenting testing and engineering evaluations for packages, documenting DOT 7A packages, revalidating foreign competent authority certifications, providing specific written instruction of exclusive use shipment controls, providing written instructions for exclusive use shipment controls, obtaining U.S. competent authority for package design, registering with U.S. competent authority as user of a package, and requesting a U.S. competent authority for a special form of radioactive material. The following information collections and their burdens are associated with this OMB Control Number:

Information collection	Respondents	Total annual responses	Hours per response	Total annual burden hours
Document Test and Engineering Evaluation or Comparative Data for Packaging—Reporting	50	100	40	4,000
DOT Specification 7A Package Documentation—Reporting	50	100	80	8,000
DOT Specification 7A Package Documentation—Recordkeeping	50	500	0.0833	41.67
Revalidation of Foreign Competent Authority Certification—Reporting	25	25	80	2,000
Offeror Providing Specific Written Instruction of Exclusive Use Shipment Controls to the Carrier—Reporting	100	2,000	0.5	1,000
Offeror Obtaining U.S. Competent Authority for Package Design—Reporting	10	40	2	80
Register with U.S. Competent Authority as User of a Package—Reporting	25	50	0.5	25
Request for a U.S. Competent Authority as Required by the IAEA Regulations for Special Form—Reporting	10	100	2	200

Affected Public: Shippers and carriers of radioactive materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 320.

Total Annual Responses: 2,915.

Total Annual Burden Hours: 15,346.67.

Frequency of Collection: On occasion.

Title: Subsidiary Hazard Class and Number/Type of Packagings.

OMB Control Number: 2137–0613.

Summary: The HMR require that shipping papers and emergency response information accompany each shipment of hazardous materials in commerce. Shipping papers serve as a principal means of identifying hazardous materials during transportation emergencies. Firefighters, police, and other emergency response personnel are trained to obtain the DOT shipping papers and emergency response information when responding to hazardous materials transportation emergencies. The availability of accurate information concerning

hazardous materials being transported significantly improves response efforts in these types of emergencies.

In addition to the basic shipping description information on shipping papers, we also require the subsidiary hazard class or subsidiary division number(s) to be entered in parentheses following the primary hazard class or division number on shipping papers. This requirement was originally required only by transportation by vessel. However, the lack of such a requirement posed problems for motor carriers regarding compliance with segregation, separation, and placarding requirements, as well as posing a safety hazard. For example, in the event the motor vehicle becomes involved in an accident, when the hazardous materials being transported include a subsidiary hazard such as ''dangerous when wet'' or a subsidiary hazard requiring more stringent requirements than the primary hazard, there is no indication of the subsidiary hazards on the shipping papers and no indication of the subsidiary risks on placards. Under circumstances such as motor vehicles being loaded at a dock, labels are not sufficient to alert hazardous materials employees loading the vehicles, nor are they sufficient to alert emergency responders of the subsidiary risks contained on the vehicles. Therefore, we require the subsidiary hazard class or subsidiary division number(s) to be entered on the shipping paper for purposes of enhancing safety and international harmonization.

The following information collection and burden is associated with this OMB Control Number:

Information collection	Respondents	Total annual responses	Seconds per response	Total annual burden hours
Subsidiary Hazard Class on Shipping Papers	260,000	43,810,000	2	24,339

Affected Public: Shippers and carriers of hazardous materials in commerce.

Annual Reporting and Recordkeeping Burden:

Number of Respondents: 260,000.

Total Annual Responses: 43,810,000.

Total Annual Burden Hours: 24,339.

Frequency of Collection: On occasion.

Issued in Washington, DC, on April 27, 2022.

William A. Quade,

Deputy Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–09408 Filed 5–2–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2022–0002]

Proposed Information Collections; Comment Request (No. 86)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this document.

DATES: We must receive your written comments on or before July 5, 2022.

ADDRESSES: You may send comments on the information collections described in this document using one of these two methods:

- *Internet*—To submit comments electronically, use the comment form for this document posted on the ''*Regulations.gov*'' e-rulemaking website at *https://www.regulations.gov* within Docket No. TTB–2022–0002.
- *Mail*—Send comments to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit separate comments for each specific information collection described in this document. You must reference the information collection's title, form or recordkeeping requirement number (if any), and OMB control number in your comment.

You may view copies of this document, the relevant TTB forms, and any comments received at *https://www.regulations.gov* within Docket No. TTB–2022–0002. TTB has posted a link to that docket on its website at *https://www.ttb.gov/rrd/information-collection-notices.* You also may obtain paper copies of this document, the listed forms, and any comments received by contacting TTB's Paperwork Reduction Act Officer at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; 202–453–1039, ext. 135; or complete the Regulations and Rulings Division contact form at *https://www.ttb.gov/contact-rrd.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections described below, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this document will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether an information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information has a valid OMB control number.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms, letterhead applications or notices, recordkeeping requirements, questionnaires, or surveys:

OMB Control No. 1513–0010

Title: Formula and Process for Wine.

TTB Form Number: TTB F 5120.29.

Abstract: The Internal Revenue Code (IRC) at 26 U.S.C. 5361, 5362, and 5386–5388, require persons who intend to produce certain agricultural, non-standard, or nonbeverage wines to obtain approval of the formulas and processes by which those products will be made. Under the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR parts 24 and 26, producers may file such wine formula and process approval requests using TTB F 5120.29. TTB uses the collected information to ensure that the relevant tax provisions of the IRC are appropriately applied.

Current Actions: There are no program changes or adjustments to this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 30.
- *Average Responses per Respondent:* 5.
- *Number of Responses:* 150.
- *Average Per-response Burden:* 2 hours.

Total Burden: 300 hours.

OMB Control No. 1513–0012

Title: User's Report of Denatured Spirits.

TTB Form Number: TTB F 5150.18.

Abstract: The IRC at 26 U.S.C. 5214 allows the tax-free withdrawal of denatured distilled spirits from a distilled spirits plant (DSP), while 26 U.S.C. 5275 requires persons that procure, deal in, or use specially denatured (SDS), or that recover specially denatured or completely denatured distilled spirits, to maintain records and file reports as required by regulation. The TTB regulations in 27 CFR part 20 require persons who use or recover SDS or articles, or who use recovered completely denatured spirits or articles, to file a report once annually, or when discontinuing business, using TTB F 5150.18 to account for their use of such denatured spirits in specific approved formulas. The collected information is necessary to ensure that the tax provisions of the IRC are appropriately applied, as it accounts for the use of untaxed distilled spirits.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the number of annual respondents, responses, and burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 650.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 650.
- *Average Per-response Burden:* 18 minutes.
- *Total Burden:* 195 hours.

OMB Control No. 1513–0014

Title: Power of Attorney.

TTB Form Number: TTB F 5000.8.

Abstract: The IRC at 26 U.S.C. 6061 provides that persons must sign any return, statement, or document submitted under the IRC's provisions in accordance with prescribed forms and regulations. In addition, the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 204(c) authorizes the Secretary of the Treasury (the Secretary) to prescribe the manner and form of applications for basic permits issued under the Act. Under those authorities, the TTB regulations require individuals signing documents and forms filed with TTB on behalf of an applicant or principal to have specific authority to do so. To delegate such authority and report that delegation to TTB, applicants and principals complete form TTB F 5000.8, Power of Attorney. TTB uses the collected information to determine who legally represents a person doing business with TTB.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the number of annual respondents, responses, and burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 4,250.
- *Average Responses per Respondent:* 2.
- *Number of Responses:* 8,500.
- *Average Per-response Burden:* 20 minutes.
- *Total Burden:* 2,833 hours.

OMB Control No. 1513–0029

Title: Certificate of Tax Determination—Wine.

TTB Form Number: TTB F 5120.20.

Abstract: The IRC at 26 U.S.C. 5062 authorizes drawback (refund) of the Federal excise tax on distilled spirits and wines exported from the United States, under regulations requiring evidence of the product's tax payment or determination and exportation. Under that authority, the TTB regulations in 27 CFR part 28 require drawback claims filed by wine exporters to be accompanied by the producer's or bottler's certification, filed on TTB F 5120.20, that the listed wines were produced in the United States and taxpaid or determined upon withdrawal. The collected information is necessary to ensure that the tax provisions of the IRC are appropriately applied, as it allows TTB to prevent the payment of unverified drawback claims.

Current Actions: There are no program changes associated with this information collection at this time, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is decreasing the number of annual respondents but is increasing the average responses per respondent, the total number of responses, and the total burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 22.
- *Average Responses per Respondent:* 300.
- *Number of Responses:* 6,600.
- *Average Per-response Burden:* 0.5 hour.
- *Total Burden:* 3,300 hours.

OMB Control No. 1513–0049

Title: Distilled Spirits Plant Denaturation Records (TTB REC 5110/04), and Monthly Report of Processing (Denaturing) Operations.

TTB Form Number: TTB F 5110.43.

TTB Recordkeeping Number: TTB REC 5110/04.

Abstract: The IRC, at 26 U.S.C. 5207, requires DSP proprietors to maintain records and submit reports of their production, storage, denaturation, and processing activities. At 26 U.S.C. 5214, the IRC also authorizes the withdrawal of denatured distilled spirits from a DSP tax-free for certain specified uses. Under those authorities, the TTB regulations in 27 CFR part 19 require DSP proprietors

to keep certain records regarding their production, receipt, loss, transfer, and withdrawal of denatured spirits. Those regulations also require DSP proprietors to submit a summary of their daily denaturing (processing) activities to TTB on a monthly basis using form TTB F 5110.43. Because proprietors may remove denatured spirits from a DSP tax-free, a full accounting of a DSP's denaturation operations is necessary to ensure that the tax provisions of the IRC are appropriately applied and to prevent diversion of untaxed spirits to taxable uses.

Current Actions: There are no program changes associated with this information collection at this time, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is increasing the number of annual respondents, responses, and total burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 470.
- *Average Responses per Respondent:* 12.
- *Number of Responses:* 5,640.
- *Average Per-response Burden:* 1 hour.
- *Total Burden:* 5,640 hours.

OMB Control No. 1513–0060

Title: Letterhead Applications and Notices Relating to Tax Free Alcohol, TTB REC 5150/4.

TTB Recordkeeping Number: TTB REC 5150/4.

Abstract: While the IRC at 26 U.S.C. 5001 generally imposes a Federal excise tax on all distilled spirits produced in or imported into the United States, 26 U.S.C. 5214 provides for the tax-free withdrawal of distilled spirits from DSPs for nonbeverage purposes, including for use by educational institutions, laboratories, and medical facilities, and by State, local, and tribal governments. At 26 U.S.C. 5271–5275, the IRC also sets permit, bond, formula submission, recordkeeping, and reporting requirements for the use of tax-free distilled spirits, all of which is subject to regulations prescribed by the Secretary. Under those authorities, the TTB regulations in 27 CFR part 22 require users of tax-free alcohol to submit certain letterhead applications and notices, which serve as qualifying documents for specific regulated activities or as amendments to previously filed documents. The collected information is necessary to ensure that the provisions of the IRC related to tax-free distilled spirits are appropriately applied.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to a change in agency estimates, TTB is decreasing the number or annual respondents, responses, and burden hours for this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 300.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 300.
- *Average Per-response Burden:* 0.5 hours.
- *Total Burden:* 150 hours.

OMB Control No. 1513–0067

Title: Wholesale Alcohol Dealer Recordkeeping Requirement Variance Requests and Approvals.

TTB Recordkeeping Number: TTB REC 5170/6.

Abstract: Under the authority of the IRC at 26 U.S.C. 5121, the TTB regulations in 27 CFR part 31 require wholesale alcohol dealers to keep daily records of their receipt and disposition of distilled spirits. Specific to this information collection, and as authorized by the IRC at 26 U.S.C. 5555, the TTB regulations in part 31 allow wholesale alcohol dealers to submit letterhead applications to TTB requesting approval of variations in the type and format of such records, and for variations in the place of retention for those records. TTB review of such applications is necessary to determine that such variances would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Current Actions: There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates, TTB is increasing the number of annual respondents, responses, and burden hours for this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 130.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 130.
- *Average Per-response Burden:* 0.5 hour.
- *Total Burden:* 65 hours.

OMB Control No. 1513–0082

Title: Alternate Methods or Procedures and Emergency Variations from Requirements for Exports of Liquors.

TTB Recordkeeping Number: TTB REC 5170.7.

Abstract: The IRC at 26 U.S.C. 7805 authorizes the Secretary to issue all needful regulations to implement the IRC. Under that authority, the TTB regulations in 27 CFR part 28 allow alcohol exporters to apply for TTB approval of proposed alternate methods or procedures to, or emergency variances from, the requirements of that part, other than the giving of a bond or the payment of tax. Such applications provide alcohol exporters with operational flexibility and allow such exporters to meet emergency circumstances. TTB review of such applications is necessary to determine that the proposed alternative or variance would not jeopardize the revenue, be contrary to any provisions of law, or unduly hinder the effective administration of the relevant TTB regulations.

Current Actions: There are no program changes or adjustments associated with this information collection at this time, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 230.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 230.
- *Average Per-response Burden:* 36 minutes.
- *Total Burden:* 138 hours.

OMB Control No. 1513–0100

Title: Applications, Notices, and Permits Relative to Importation and Exportation of Distilled Spirits, Wine and Beer, Including Puerto Rico and the Virgin Islands.

Abstract: Chapter 51 of the IRC imposes Federal excise taxes on alcohol beverages imported into the United States, while exports of such products are not generally subject to tax. In addition, the IRC at 26 U.S.C. 7652 applies an equal tax to such products

from Puerto Rico or the U.S. Virgin Islands imported into the United States, but that section also requires deposit of most of the collected taxes to the Treasuries of those islands' governments. As a result, the TTB regulations in 27 parts 26, 27, and 28 require persons exporting or importing alcohol beverages from Puerto Rico and the U.S. Virgin Islands to file certain letterhead applications and notices, and to keep certain records, regarding such activities. The collected information is necessary to ensure that the tax provisions of the IRC related to Puerto Rican and U.S. Virgin Islands products are appropriately applied.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; and Individuals or households.

Estimated Annual Burden

- *Number of Respondents:* 20.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 20.
- *Average Per-response Burden:* 9 hours.
- *Total Burden:* 180 hours.

Dated: April 25, 2022.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2022–09407 Filed 5–2–22; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0853]

Agency Information Collection Activity: Application for Approval of a Program in a Foreign Country

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 5, 2022.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0853'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0853'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 CFR 21.4260; Public Law 115–407; Public Law 116.135, sections 1019 and 1020.

Title: Application for Approval of a Program in a Foreign Country.

OMB Control Number: 2900–0853.

Type of Review: Revision of a currently approved collection.

Abstract: VA will use the information collected to determine if a program in a foreign country is approvable under CFR 21.4260. For a review and decision to be made, the VA needs supporting information from a foreign educational institution.

The Application for Approval of a Program in a Foreign Country, VA Form 22–0976 OMB ICR #2900–0853 is being submitted as a ''Revision''. We are changing the formatting of the form, as well as changing most of the existing questions to be written in the form of a statement. There is no change to the current burden as a result of making these revisions.

Currently, the VA Form 22–0976 questions are written to solicit YES/NO responses regarding compliance to the current and new provisions established for foreign institutions. We believe the questions should be instead written and displayed in the form of a statement to indicate the VA requirements necessary for the achievement of compliance for foreign institutions.

Public Law 116–135, Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 amended a number of VA benefits that requires the revision of VA Form 22–0976 to comply with these changes. The VA Form 22–0976 is the official application that all foreign institutions outside of the United States must use to formally request foreign program approval for GI Bill benefits from VA.

The current form is inadequate to comply with both the current and new changes in the law. Therefore, the purpose of revising VA Form 22–0976 is to support the provisions of Public Law 116–135, and the Veterans Benefits and Transition Act of 2018, Public Law 115–407 necessary for foreign institutions to acknowledge and adhered to the requirement of Section 104 of this law. The provisions of this law require foreign institutions to allow eligible individuals to stay enrolled in courses of education pending the receipt of educational assistance from Department of Veterans Affairs. The institution's policy must ensure that they will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or make it a requirement that a covered individual borrow additional funds because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement funding from VA under chapter 31 or 33.

The purpose of revising this form also supports the provisions of Isakson and ROE, Public Law 116–315, Sections 1019 and 1020. Section 1019 requires schools and training programs to be financially responsible (School Liability), instead of the student, for payments which are directly paid to an educational institution pursuant to the Post-9/11 GI Bill, (*i.e.,* payments paid to

an educational institution pursuant to the Yellow Ribbon GI Education Enhancement program and the Advance payments of the initial educational assistance to an institution.). Section 1020 limits the type of Advertising, Sales, and Marketing that schools can conduct and remain eligible for GI Bill funds. This section would also create a tiered penalty system against institutions that do not comply with the law and set up a mechanism for institutions to work with the SAAs and VA on coming back into compliance, and for institutions to not engage in advertising and/or enrollment practices of any type, which are erroneous, deceptive, or misleading either by actual statement, omission, or intimidation.

Affected Public: Education Institutions.

Estimated Annual Burden: 338 hours.

Estimated Average Burden Time per Respondent: 20 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 1,014.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2022–09428 Filed 5–2–22; 8:45 am]

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